

***City Council  
Legal Review Committee  
Meeting Agenda***

**September 27, 2018  
City Hall, Spruce Room  
4:00 PM**

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda
- IV. Approval of Minutes August 28, 2018
- V. Public Comments on Items Not on the Agenda
- VI. Discussion/Direction –Ordinance No. 1760, Series 2018 – An Ordinance Repealing and Reenacting with Amendments Certain Sections of Titles 4 and 14 of the Louisville Municipal Code Concerning Regulations of City Open Space and Parks
- VII. Discussion/Direction – Consideration of Changes in Liquor Regulations and Options in Parks
- VIII. Lawsuit Settlements/Litigation Updates
- IX. Discussion Items for Next Meeting – October 9
  - Municipal Judge Appointments and Compensation
  - Evaluation Process for Judge, Prosecutor, City Attorney
- X. Adjourn

# ***City Council Legal Review Committee Meeting Minutes***

**August 28, 2018  
749 Main Street  
5:30 PM**

**Call to Order** – Councilmember Loo called the meeting to order at 5:30 pm.

**Roll Call:** The following members were present:

***Committee Members: Chris Leh, City Council (arrived at 5:32 pm)  
Sue Loo, City Council  
Ashley Stolzmann, City Council***

***Staff Present: Heather Balser, Interim City Manager  
Sam Light, City Attorney  
Kevin Watson, Finance Director  
Penney Bolte, Sales Tax Administrator  
Megan Davis, Deputy City Manager  
Meredyth Muth, City Clerk***

## **APPROVAL OF AGENDA**

The agenda was approved as presented.

## **APPROVAL OF MINUTES**

The minutes were approved as presented. Councilmember Stolzmann abstained.

## **PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

None.

## **DISCUSSION/DIRECTION – POSSIBLE CHANGES TO THE DOOR-TO-DOOR SOLICITATION ORDINANCE**

Bolte presented some options for changes to the current ordinance. She presented a variety of options that other municipalities do; licensing, fees, what is required of the applicant, etc. She noted there are basically three themes: 1) regulation through ordinance only (this would include definitions and specifications to distinguish between for profit/services solicitors and nonprofit solicitors); regulations for door hangers, hours of solicitation and those types of regulation. 2) Incorporating a no knock list. This might include a portal on our

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### ***City of Louisville***

***City Council    749 Main Street    Louisville CO 80027  
303.335.4536 (phone)    303.335.4550 (fax)    www.LouisvilleCO.gov***

website where residents can register, requiring solicitors to obtain the list and use the list. Some city's issue stickers to those registered on the list. 3) A full blown permitting process including applications, fees, background checks, photo ids, and fingerprinting. The City could also consider a hybrid of these options.

Some of these basic items could be accomplished with current resources but all would require additional staff time. For option 1 staffing is minimal, option 2 would take some staff time for set up and ongoing maintenance. Option 3 would likely require new software.

Councilmember Leh asked if having the City do a no knock list would hold up in Court. City Attorney Light stated no knock lists have been upheld. If someone doesn't honor the list we would need to include enforcement options in the ordinance and then the police would need proof to issue a ticket which can be difficult.

Councilmember Loo asked if we can do stickers without a no knock list; would we get in trouble for telling people what language to use. City Attorney Light stated the language should be in the ordinance and we would have to clearly let people know what their options are. We would need a simple and direct explanation of the ordinance.

Councilmember Loo asked how big a problem door-to-door soliciting is right now. City Manager Balser stated it is unknown. She added that generally those who aren't going to follow the rules aren't going to care if we have an ordinance or not.

Bolte stated the Police Department says that when they get a call most often by the time they get there no one is willing to sign the complaint. Residents want to report it and be done with it which prevents bringing anyone to court unless an officer actually sees it happen.

City Manager Balser stated we don't know how many would really license or follow the rules if we institute them. She stated some people really want the City to be stricter, but it may be a solution in search of a problem. We could continue to see how it goes with the current rules and bring it back depending on the complaints we get. We could also do some publicity of what residents can do on their own property.

Councilmember Leh stated there was a small outcry when the old ordinance was first repealed, but it has not seemed to be a big problem. We should start with a public education campaign about what people can do already.

City Attorney Light stated it is still unknown if anyone is out there who might take interest in our law and want to challenge it.

Councilmember Stolzmann stated it is nice to be responsive and proactive, but she was in agreement that we can do all this and it won't stop what you want to stop. She suggested continuing with the current regulations, tell people what their options are and how to report issues. She recommended the Committee write a memo to the full Council explaining the decision. If it becomes an issue the Committee will reevaluate.

Councilmember Stolzmann moved to write such a letter and also ask staff to include additional information in the newsletter so the public knows what they can do. Councilmember Loo seconded.

Discussion on motion.

Councilmember Loo asked if the definitions of "trespass" and "no soliciting" need to be clarified. City Attorney Light stated for the purposes of this ordinance it doesn't matter. If someone doesn't leave the property when asked we can prosecute either way.

Vote: All in favor.

#### **DISCUSSION/DIRECTION – BIENNIAL EVALUATION PROCESS FOR MUNICIPAL JUDGE, PROSECUTING ATTORNEY, CITY ATTORNEY, AND WATER ATTORNEY**

Councilmember Leh stated we haven't done this in the past before reappointing these positions. He feels we don't have good metrics or ways to evaluate right now. He asked the City Attorney for ideas related to his position.

City Attorney Light stated is good idea and they always welcome feedback. It would be helpful to determine from whom to gather input, perhaps the City Manager and Directors. He stated there are samples of City Attorney review documents. He stated such a process helps the City Attorney understand where changes are needed.

Councilmember Leh stated it would be helpful to get some trends and information from the City Attorney; some of that is obvious but some is not and would be useful information. Most measures are really qualitative, we can determine if the person is timely, helpful, over-priced, etc.

Councilmember Leh asked staff to find out what other cities do. Councilmember Stolzmann stated ICMA has one with some good broad themes to start with.

Staff will bring back some options for consideration for the City Attorney evaluation.

## Water Attorney

Councilmember Leh stated we should get input from the Utility Committee and staff. City Attorney Light stated the water engineer should be included.

Councilmember Stolzmann asked if there are ways to evaluate the work when our water attorney is representing us jointly with other clients. We should be proactive and have input from staff if we think problems may arise. City Attorney Light stated we always make sure attorneys fully disclose their clients and cases so we know what conflicts there may be.

Councilmember Leh stated we should evaluate how the water attorney is reviewing our water rights and what changes we might need.

Staff will get examples of evaluation forms including input from city manager and staff and if the appropriate scope of work and duties are being performed.

Councilmember Stolzmann asked how we measure cost accountability. Councilmember Leh stated that might be hard, but can determine if we are getting timeliness and good solid advice; getting answers when needed. Measuring time efficiency is a challenge.

City Attorney Light stated an attorney can work to a set budget, but that would need to be for general counsel work; litigation would be an outlier. City Manager would have to manage expectations. Land use cases can be heavily driven by the complexity of the transactions and by third party issues that are unexpected. Clarifying the expectations of workload and what the deliverables are is helpful.

## Municipal Judge and Prosecuting Attorney

There are examples of these from other municipalities. Staff will find some and bring them back for consideration.

## **DISCUSSION/DIRECTION – 2019 CITY ATTORNEY FEES**

City Manager Balser stated the City Attorney has submitted a new fee list for the firm for 2019.

Councilmember Loo moved to recommend the City Council approve the fees as presented. Councilmember Stolzmann seconded.

City Attorney Light noted the fees all take effect January 1 except for the charge for the new principal attorney which will be in September as a new firm member will be starting in September.

Vote: All in favor.

**DISCUSSION/DIRECTION – MUNICIPAL COURT JUDGE APPOINTMENTS  
AND COMPENSATION**

Members continued this item to the October meeting.

**UPDATE – COURT-APPOINTED COUNSEL REQUEST FOR PROPOSALS**

Muth stated the Request for Proposals for the court-appointed attorneys has been released and responses are due in September. She asked the committee if they want to be involved in reviewing the proposals or if the Municipal Judge should review and choose.

Councilmember Leh moved to leave the decision to the judge for 2019 and revisit in mid-2019 to see what evaluation may be needed. Councilmember Stolzmann seconded.

Vote: All in favor.

**LAWSUIT SETTLEMENTS/LITIGATION UPDATES**

City Attorney Light reviewed the stated of a possible lawsuit.

**DISCUSSION ITEMS FOR NEXT MEETING**

Members will continue discussion of the evaluation process and deputy judge.

**ADJOURN**

The meeting was adjourned at 6:52.

**SUBJECT: DISCUSSION – DIRECTION – ORDINANCE NO. 1760, SERIES 2018 – AN ORDINANCE REPEALING AND RE-ENACTING WITH AMENDMENTS CERTAIN SECTIONS OF TITLES 4 AND 14 OF THE LOUISVILLE MUNICIPAL CODE CONCERNING REGULATIONS OF CITY OPEN SPACE AND PARKS**

**DATE: SEPTEMBER 27, 2018**

**PRESENTED BY: EMBER BRIGULL, OPEN SPACE MANAGER  
TRACY WINFREE, INTERIM PARKS, RECREATION, AND OPEN SPACE DIRECTOR**

**SUMMARY:**

With the addition of a Ranger Naturalist Program, the Parks & Recreation Department reviewed the Open Space and Park Titles of the Louisville Municipal Code. Portions of the current Titles have not been updated since 1977. As such, some policies are out of date and the language is difficult to interpret. Staff also compared Louisville Municipal Code to adjacent municipalities to ensure Louisville remains consistent across the region in Open Space and Park regulations and socio-political trends.

While Municipal Code is a necessary tool for Rangers to perform their job duties, code does not set the vision for the program. The Louisville Ranger program is envisioned to be a small-town, community oriented program that supports visitors in having safe, informed, responsible, and enjoyable experiences in Open Space and Parks.

Parks & Recreation Department staff recommends the following revisions to Municipal Code:

1. Clarify and authorize the Ranger-Naturalist to enforce prohibitions in the parks and open space titles
2. Authorize the Ranger-Naturalist and law enforcement officers to enforce the prohibitions in the open space title on jointly-owned open space, and establish that citations issued on jointly-owned open space are returnable to the Louisville Municipal Court (implementation will require additional action)
3. Extend the prohibitions:
  - a. In the parks title to include the Louisville Cemetery
  - b. In the open space title to include City owned lands recommended to City Council for Open Space Zoning by vote of the Open Space Advisory Board
4. Revise the Open Space and Parks Titles:
  - a. To include new ordinances and amend current ordinances
  - b. To improve transparency and ease of interpretation by clarifying language and restructuring the document so that similar ordinances are merged and

so that titles have parallel structure (with like ordinances at the beginning and unique ordinances at the end).

The resulting additions and amendments were then reviewed by the Open Space Advisory Board on April 11, 2018 and by the Parks and Public Landscapes Board on May 3, 2018. Recommendations were solicited from both boards and factored into final staff edits. The Parks and Public Landscape Board was supportive of adding language to prohibit smoking and drones on Park lands.

Finally, legal staff drafted the Municipal Code additions and amendments for City Council 1<sup>st</sup> Reading on July 17, 2018. Council Members asked that the documents be reviewed by the Legal Committee with special attention to evaluating amendments prohibiting smoking in City of Louisville Park properties. A comparison of smoking ordinances in adjacent municipalities can be viewed by referencing Attachment 4.

The majority of the ordinances remain unchanged in their intent; however some amendments were drafted to include clarifying language or minor regulatory changes. An overview of the significant amendments made to the Open Space and Parks titles of the Louisville Municipal Code are below, where individual changes can be viewed by referencing Attachment 1; An additional amendment was made between readings to re-organize the Ordinances in order to better meet item 4b above, these changes are referenced in Attachment 2.

### **Addition and Amendment of Ordinances**

*Language was added to existing Municipal Code to add the following (Attachment 1):*

1. Cemetery added as property subject to prohibitions listed in Title 14 (14.12.010).
2. Prohibition of drone use on Park and/or Open Space land (4.04.010 G & 14.12.010 G).
3. Prohibition of the Destruction of Wildlife Habitat on Park and/or Open Space land (4.04.010 X. & 14.12.010 X.).
4. Prohibition of abandoning personal property on Park and/or Open Space land in excess of 24 hours (4.04.010 HH. & 14.12.010 HH.).
5. Prohibition of obstructing City Staff in the course of their work duties on Park and/or Open Space land (4.04.010 KK. 14.12.010 KK.).
6. Prohibition of eluding Ranger Naturalists in the course of their work duties on Park and/or Open Space land (4.04.010 KK. 14.12.010 KK.).
7. Prohibition of smoking on Park and/or Open Space land with exception to Coal Creek Golf Course (4.04.010 LL. & 14.12.010 LL.).
8. Prohibition of any behavior deemed careless or reckless on Park and/or Open Space land (4.04.010 QQ. & 14.12.010 QQ.).
9. Prohibition of dogs at Harper Lake Open Space (4.04.010 RR.).



*Language regarding the following prohibitions was amended for clarity and/or to reflect changes in procedure (Attachment 2 Redlines or Attachment 3):*

1. Leash Length: reduced from 15ft to 10ft in order to contain domestic animal activity within trail borders and reduce vegetative impact, wildlife disturbance and/or user conflict on City trails and properties (4.04.010 O. & 14.12.010 O.).
2. Harassment of Wildlife: amended to clarify the definition of “harassment” (4.04.010 W. & 14.12.010 W.).
3. Tailgating in the Sports Complex: amended to clarify that tailgating is allowed in the parking lot of the Louisville Sports Complex, but not within the complex itself (14.12.010 Z.).
4. Fireworks: removed from the Firearms Prohibition and into its own specific prohibition (4.04.010 CC. & 14.12.010 CC.).
5. Trail Etiquette: amended to clarify City procedures in regards to trail etiquette and to require that trail users stop if necessary to allow another user to pass safely (4.04.010 EE. & 14.12.010 EE.).
6. Director Exception: amended to clarify that the Director of Parks and Recreation or his/her designee has the ability to grant an exception to the named Prohibitions listed within the corresponding Chapter in Titles 4 and 14 when he/her sees the need to do so (4.04.020 B. & 14.12.020 B.).
7. Enforcement on Jointly-owned land: amended to clarify that City of Louisville Ranger Naturalists have enforcement authority on lands owned solely and jointed by the City and that tickets written on either land ownership type will be written to the City of Louisville Municipal Court (4.04.040 & 14.12.040).
8. Administrative Rules and Regulations Procedure: amended to include the City Manager in the review and approval of any administrative rules and regulations recommended for Parks and/or Open Space lands by the Director of Parks and Recreation and for the subsequent notification and approval of City Council (4.04.070 & 14.12.060).

### **Ordinance Relocation**

*The following ordinance topics were relocated from elsewhere in Titles 4 and 14 to the prohibitions Chapters (Attachment 2 Redlines or Attachment 3):*

1. Prohibition of geocaching on Park and/or Open Space land without prior approval (4.04.010 GG. & 14.12.010 GG.).
2. Rules specific to the use of City Lakes and other bodies of water (4.04.010 II. & JJ. & 14.12.010 II. & JJ.).
3. Prohibition of overnight camping on Park and/or Open Space land (4.04.010 MM. & 14.12.010 MM.).
4. Prohibition of the violation of any property, area, or trail closure (4.04.010 NN. & OO. & 14.12.010 NN. & OO.).

**FISCAL IMPACT:**

Minimal, but does give authorization to issue citations that are defensible if challenged in court.

**PROGRAM/SUB-PROGRAM IMPACT:**

Municipal code revisions support Open Space & Trails Maintenance and Management Sub-Programs to better enable Rangers to protect and promote “native plants, wildlife, wildlife and plant habitat, cultural resources, agriculture and scenic vistas and appropriate passive recreation” through education and enforcement.

Municipal Code revisions support the Parks Sub-Program empowering Rangers to help facilitate the proper and safe use of “popular parks and facilities that provide multiple outdoor opportunities for residents of and visitors to Louisville to enjoy.”

**RECOMMENDATION:**

Provide recommendations to staff for Ordinance No. 1760. Series 2018 for inclusion in the 2<sup>nd</sup> and final City Council Reading scheduled for October 16, 2018.

**ATTACHMENT(S):**

1. Comparison Document with Redlines (Open Space Title Followed by Park Title)
2. Redlines to Ordinance No. 1760. Series 2018: First Reading
3. Final Draft of Ordinance No. 1760. Series 2018: Legal Committee
4. Evaluation of Smoking Ordinances in Surrounding Municipalities

## COMPARISON DOCUMENT

### OPEN SPACE PROHIBITIONS (redlines show changes to old code)

#### Sec. 4.04.010. - Scope; prohibitions.

~~This~~Except as otherwise indicated, this chapter ~~4.04~~ shall apply ~~only~~ to open space lands, ~~whether~~ owned solely or jointly by the city, ~~and to all public lakes, ponds, streams, reservoirs or other bodies of water within or bordering such lands. This chapter shall also apply to city-owned lands recommended to the city council for designation as open space by resolution of the open space advisory board.~~ In the use of ~~any open spaces~~such lands or bodies of water, it shall be unlawful for any person to:

A. Engage in any business or commercial purpose (such as, by way of example and not limitation, races or events; filming movies or commercials; or equipment demonstrations) ~~without prior written consent of the director.~~ Individuals engaging in still camera photography are exempt;

B. Conduct sales for profit, except ~~with the express~~by written ~~consent of the director~~permit as provided in section 4.04.020 and in full compliance with the sales tax ordinance of the city;

C. Sell, vend, peddle or distribute any merchandise or property whatsoever, or sell tickets for any event whatsoever, or solicit contributions, ~~except with the prior written consent of the director;~~

D. Distribute, circulate, give away, throw or deposit any handbills, circulars, pamphlets, papers or advertisements, or post or affix any handbills, circulars, pamphlets, papers or advertisements to any tree, fence or structure ~~in any open space without the prior written consent of the director;~~

E. Utilize any machine or device for the purpose of amplification of human voice, music or any other sound ~~in any open space without the prior written consent of the director, except city employees, firefighters or law enforcement officers acting in the performance of their duties;~~

F. Drive, putt, or in any other fashion play or practice golf or use golf balls or golf clubs, ~~except in areas set aside and posted for that purpose;~~

G. ~~Throw, discharge, take off of,~~ land or operate by remote control any motorized or non-motorized aircraft, manned or unmanned, including but not limited to drones, missiles, rockets, airplanes, helicopters, ultralights, gliders/sailplanes, paragliders, powered parachutes and hot-air balloons. Emergency landings, as determined by city law and code enforcement officers, are allowed;

H[NCI]. Land with a parachute after skydiving, base jumping or other activity involving a parachute. Emergency landings, as determined by city law and code enforcement officers, are allowed;

I. Engage in any of the following activities: hanglidinghang gliding, paragliding, parapenting, parachuting, parasailing, mountain skateboarding, mountain ski-biking, off-road roller blading, or the use of remote-controlled land, water, or airborne devices ~~unless allowed by the director;~~;

J. Operate, drive, park or ride upon any vehicle, as defined in the state motor vehicle code [C.R.S. 42-1-102], except upon areas designated for such use. Vehicles in violation of this subsection GJ shall be subject to being towed away at owner's expense. Only persons with a disability may park in spaces designated for persons with disabilities. ~~A license~~An identifying plate or identifying placard obtained pursuant to C.R.S. 42-3-~~121, as amended, or otherwise authorized by C.R.S. 42-4-1208(4), as amended~~204, shall be displayed at all times while vehicle is parked in such space;

K. Operate, drive, park or ride upon any motorcycle, snowmobile, off-highway vehicle, farm tractor, or any other motorized or ~~nonmotorized~~non-motorized conveyance or device except when posted specifically for such use ~~or when a prior written permit therefor has been issued by the director;~~. This subsection JK shall not apply to vehicles as defined under the state motor vehicle law (which are subject to subsection GJ, above) or to bicycles (which are subject to subsection KL, below);

L. Operate or ride a bicycle or electrical assisted bicycle ~~within any open space~~, except on officially designated roads, bikepaths, and trails and only when those areas are not posted to prohibit such use. ~~The~~Subject to section 4.04.070 of this code, the director may adopt bicycle and electrical assisted bicycle use restrictions on specific trails or ~~open space areas~~lands regulated under this section when such restrictions are necessary for resource protection or safety related issues. Such restrictions shall be posted at the trailheads. It shall be unlawful for any person to violate the posted restrictions;

M. Exceptions to the requirements of subsections G, J, K and KL may be granted to persons with disabilities, by permission from the director, for the use of single-rider, motorized and ~~nonmotorized vehicles adapted for recreational use by people with disabilities. City employees acting in the performance of their duties, and persons participating in city-sponsored activities, are exempt from subsections G, J and K of this section. Any person desiring to operate, drive, park or ride any vehicle, conveyance or bicycle upon or across open space in a manner not permitted by this chapter must obtain a written permit therefor from the director prior to engaging in such activity, which permit request shall be subject to the director's approval or rejection~~non-motorized vehicles adapted for recreational use by people with disabilities;

N. Wash, repair, or service any automobile or ~~vehiele~~other conveyance;

O. Bring or maintain any dog or other animal on ~~any open space~~lands or in bodies of water regulated under this section, unless such dog or other animal is kept at all times on a leash

not to exceed ~~15~~10 feet in length and is under the physical control of its owner or custodian. ~~The only exception to leash control on city open space is designated and signed, except in "dog off-leash" and "dog park" areas, where dogs may be off leash only in accordance with the rules and regulations application to such dog off-leash area; and dog park areas. Notwithstanding the foregoing, no person shall bring or maintain any dog or other animal on lands or in bodies of water regulated under this section that is known or deemed by city staff to be aggressive or in heat, regardless of whether that dog or other animal is kept on a leash under the physical control of its owner or custodian;~~

P. Bring or maintain any dog or other animal on Harper Lake Open Space;

Q. To not immediately pick up and properly dispose of any feces in a waste receptacle from any dog or other animal under such person's ownership or care;

R. Release, abandon, leave or deposit ~~dogs, cats, fowl, fish or other animals~~any animal, whether dead or alive;

S. Pasture, graze, maintain, ride or walk any livestock, including but not limited to cattle, sheep, goats, ~~or horses, except as permitted in writing by the director. Horseback riding is not permitted.~~donkeys, llamas, alpacas, or horses;

T. Leave any garbage, trash, cans, bottles, papers or other refuse elsewhere than in the receptacles provided therefor. It is unlawful for any person to use the receptacles provided for ~~on open space for~~ the purpose of depositing yard clippings or other garbage or trash generated on private property. It is unlawful for any person to deposit yard waste, soil, or landscaping materials on ~~open space.~~lands or in bodies of water regulated under this section;

U. Encroach into any ~~open space property~~lands regulated under this section with any private improvements, including but not limited to gardens, landscaping, fences, paths or compost piles, or store any personal property ~~on open space;~~lands regulated under this section;

V. Use, distribute, or consume any alcoholic beverages or 3.2 beer except in conformance with the statutes of the state and ordinances of the city regarding the sale or consumption of alcoholic beverages;

W<sub>[NC2]</sub>. Use or attempt to use or interfere with the use of any table, space or facility which at the time is reserved for any other person or group by a permit from the director. Unless the actual use of the table, space, area, building or facility referred to in any such permit is commenced within one hour after the period covered by such permit begins, such permit shall terminate;

X. Take, seize, feed, pursue, trap, harass, disturb, molest, injure or hunt any ~~bird, reptile, or animal, fish, wildlife or livestock;~~ except fish. ~~Fishing that, fishing is only allowed as provided in section 4.04.070, below in Harper Lake, the Warembourg Fishing Pond and Lake Park in accordance with state wildlife officers and city employees acting in the performance of their official duties are exempt from this subsection T fishing laws;~~

~~Y~~<sup>[NC3]</sup>. Take, seize, harass, disturb, molest, injure, remove, damage or deface any animal habitat;

Z. Dig, remove, destroy, injure, mutilate, collect, deface, mark, write or print upon, pollute, break or cut, or attach any card, sign, display or similar device to, any natural or cultural resource or any portion thereof, including but not limited to trees, grass, soil, and rock-, or any man-made feature, including but not limited to buildings, cages, pens, monuments, signs, fences, kiosks, benches, tables, apparatus, or equipment. The building or maintaining of private paths or paths not authorized by the city (including but not limited to paths consisting of rock, flagstone, or mowed or cut grass or plants) ~~on open space is prohibited. City employees acting in the performance of their duties, and persons participating in city sponsored activities, are exempt from this subsection~~ is prohibited;

~~NC4~~ Cut, break, injure, mark, write or print upon or otherwise deface or disturb any rock, building, monument, sign, fence, kiosk, bench, or other man-made or natural feature or property; or attach thereto any sign, card, display, or other similar device, or any other object for the purpose of decorating or for any other purpose, except as may be authorized by prior written permission from the director. City employees acting in the performance of their duties are exempt from this subsection ~~V;~~

AA. Collect firewood or build, ~~Light~~ light or maintain a fire, grill or stove;

BB. Bring onto or use ~~in any open space~~ on any lands or in bodies of water regulated under this section any glass or other breakable container;

CC. Discharge or carry any firearms (concealed or otherwise), projectile weapons, or explosives of any kind including but not limited to ~~fireworks, BB guns, pellet guns, rockets, hobby rockets~~<sup>[NC5]</sup>, air guns, paint ball guns, blow guns, crossbows, longbows and slingshots; provided, however, that this subsection ~~Y~~CC shall not be construed to prohibit the carrying of a concealed handgun if, at the time of carrying the concealed handgun, the person holds a valid written permit to carry a concealed handgun issued pursuant to C.R.S. 18-12-201, *et seq.*, and is otherwise carrying the concealed weapon in accordance with any applicable state or local law. Further, peace officers on official duty are exempt from this subsection ~~Y. Exceptions to this subsection Y may be permitted only with prior written permission from the director~~ CC;

~~DD~~<sup>[NC6]</sup>. Ignite or launch any fireworks, rockets, hobby rockets or similar projectile;

EE. Conduct research projects ~~requiring~~ that require the use of equipment or ~~resource~~ impacts without written authorization granted in advance from the director. Passive nature study which does not cause any disturbance to open space that impact natural resources. The prohibition in this subsection is permitted and encouraged; not intended to prohibit passive nature studies that do not disturb the land or natural resources contained thereon;

FF. Fail to yield to other trail users in the manner defined herein or as otherwise posted at trailheads. The appropriate order for yielding the trail right-of-way is as follows: Bicyclists yield to pedestrians, and bicyclists headed downhill yield to bicyclists headed uphill. Yielding the right-of-way requires slowing down to a safe speed, being prepared to stop, establishing communication, being prepared to stop, stopping when necessary to allow safe passage, and passing safely;

GG<sub>[NC7]</sub>. Violate any posted regulatory sign;

HH<sub>[NC8]</sub>. Engage in any geocaching unless authorized by a written permit issued by the director. For purposes of this subsection, "Geocaching" means a recreational activity requiring participants to search for hidden items using global positioning system coordinates retrieved from an internet website or other source;

II<sub>[NC9]</sub>. Leave any items of personal property unattended in excess of twenty-four hours. Items of personal property left unattended in excess of twenty-four hours shall be deemed abandoned, and shall be disposed of by the city in accordance with applicable law;

JJ<sub>[NC10]</sub>. Swim, dive, wade, ice skate or ice fish on any lake, pond, stream, reservoir or other body of water;

KK<sub>[NC11]</sub>. Boat on any lake, pond, stream, reservoir or other body of water; except that, boating is permitted on Harper Lake. Any boat used on Harper Lake must display a valid city permit;

LL<sub>[NC12]</sub>. Knowingly obstruct, impair, or hinder the performance of the official duties of any employee of the city. Without limiting the generality of the foregoing, no person shall:

1. Fail to comply with a lawful request of a city employee;

2. Attempt to elude or evade a city employee who has made a request or given an order in accordance with this section;

3. Harass a city employee; or

4. Provide false or misleading information with the intent to mislead the city employee in the performance of the employee's duties;

MM<sub>[NC13]</sub>. Smoke or carry any lighted smoking instrument;

NN<sub>[NC14]</sub>. Enter or remain in any land or body of water regulated under this section outside of the hours of use set forth in 4.04.060. There is no camping allowed on any lands

regulated under this section. Automobiles and other conveyances may not be parked, abandoned, or otherwise remain in city parking lots during closed hours, except as follows:

1. During attendance at a function conducted or sponsored by the city;
2. During attendance at a function which has been issued a permit;
3. By a city employee acting in the performance of such employee's duties;
4. With the prior written consent of the director; or
5. In areas as otherwise posted.

Vehicles in violation of this subsection shall be subject to being towed away at owner's expense;

OO<sub>[NC15]</sub>. Enter or remain within lands that are closed in accordance with section 4.04.080;

PP<sub>[NC16]</sub>. Bring or allow an animal under such person's control to enter or remain within lands that are closed to such animal in accordance with section 4.04.080;

QQ<sub>[NC17]</sub>. Make loud, disruptive or unusual noises, which disturb or tend to disturb the peace and quiet of other persons; or

RR<sub>[NC18]</sub>. Engage in any careless or reckless behavior or activity that constitutes a hazard to the person's own safety or to the safety or security of other persons or property.



## COMPARISON DOCUMENT

### OPEN SPACE ENFORCEMENT, ADMINISTRATIVE RULEMAKING & COMPARISON DOCUMENT

(redlines show changes to old code)

#### Sec. 4.04.050. - Enforcement of rules.

The director, ranger naturalists and any law enforcement officers acting in the line of duty shall have the authority to enforce the provisions of this chapter and shall have the authority to eject from any open-space lands or bodies of water regulated under section 4.04.010 any person acting in violation of the provisions of this chapter. Further, the director shall have the authority to deny use of open-space any lands or bodies of water regulated under section 4.04.010 to individuals or groups who refuse to comply with the provisions of this chapter and regulations promulgated hereunder. All summons and complaints issued on open space owned jointly by the city for violation of this title shall be returnable to the Louisville Municipal Court.

#### Sec. 4.04.070. - Administrative rules and regulations.

The director is authorized to adoptpropose administrative rules and regulations not inconsistent with and that supplement the provisions of this chapter, when to the city manager. The city manager is authorized to deny, adopt or modify and adopt such rules orand regulations are determined necessary for repairs, wildlife, vegetation or public safety concerns. All persons shall comply with such rules and regulations, which shall take effect upon their adoption by the director. The directorcity manager. The city manager, or the city manager's designee, shall, within two days of adopting any administrative rules or regulations pursuant to this section, send notification to the city council of such action. The city council may, at a regularly scheduled meeting, rescind or modify theadministrative rules or regulations promulgatedadopted by the directorcity manager. Rules and regulations promulgatedadopted by the directorcity manager, and as may be modified by city council, shall remain in effect until specifically for ninety days after their adoption by the city manager, unless sooner rescinded by the directorcity manager or city council.

#### Sec. 4.04.080. - Closures.

~~The city council may designate all or any portion of an open space area as closed temporarily, permanently, or for an indefinite period of time. Also, the~~

The director may from time to time close all or a portion of an open space areaany land or body of water regulated under section 4.04.010, to the public or to certain animals, or both, as the director determines necessary or desirable due to wildlife, vegetation, management review, contractual agreement or public safety concerns. A closure by the director mayshall be for a temporary, fixed period of time or for an indefinite period of time.; except that, a closure may be permanent if consented to by the city council. Within two business days of making a decision to close an open space areaall or a portion of any land or body of water regulated under section 4.04.010, the director or the director's designee shall send notification of the closure to the city manager and city council. The city manager or city council may, at a regularly scheduled

~~meeting,~~ rescind or modify the decision of the director. ~~It shall be unlawful for any unauthorized person to enter open space areas that are closed.~~ All closures, whether temporary, permanent, or indefinite, and whether by the director or by the council, shall be posted at the ~~open space~~property or body of water subject to the closure.

## COMPARISON DOCUMENT

### PARKS PROHIBITIONS (redlines show changes to old code)

#### Sec. 14.12.010. - Compliance required.

Except where otherwise indicated, this section shall apply to parks, buildings, recreation facilities, city-owned paths or trails, the Louisville Cemetery, and lakes, reservoirs or other bodies of water within the city. In the use of ~~any park, building or recreation facility~~, all persons ~~shall comply with all the regulations of this title, and such lands, buildings, facilities, paths, trails or bodies of water~~ it shall be unlawful for any person to:

A[NC1]. Engage in any business or commercial purpose (such as, by way of example and not limitation, races or events; filming movies or commercials; or equipment demonstrations). Individuals engaging in still camera photography are exempt;

B. Conduct sales for profit ~~in any park or community building~~, except ~~with the expressed~~ written ~~consent of the director of parks and recreation~~ permit as provided in section 14.12.020 and in full compliance with the ~~business licenses~~ sales tax ordinance of the city;

C. Sell, vend, peddle or distribute any merchandise or property ~~whatever~~ whatsoever, or sell tickets for any event whatsoever, or solicit contributions ~~in any park or community building, except with the prior express written consent of the director;~~

D. Distribute, circulate, give away, throw or deposit, ~~in or on any park or community building~~, any handbills, circulars, pamphlets, papers or advertisements, or post or affix any handbills, circulars, pamphlets, papers or advertisements to any tree, fence or structure ~~in any park or community building without the prior written consent of the director;~~

E. Utilize any machine or device for the purpose of amplification of human voice, music or any other sound ~~in parks or community buildings without the prior written consent of the director, except city employees, firefighters or law enforcement officers in the performance of their duty;~~

F. Drive, putt, or in any other fashion play or practice golf or use golf balls or golf clubs ~~in any area of a park~~, except in areas set aside and posted for that purpose;

G[NC2]. Throw, discharge, take off, land or operate by remote control any motorized or non-motorized aircraft, manned or unmanned, including but not limited to drones, missiles, rockets, airplanes, helicopters, ultralights, gliders/sailplanes, paragliders, powered parachutes and hot-air balloons. Emergency landings, as determined by city law and code enforcement officers, are allowed;

H<sup>[NC3]</sup>. Land with a parachute after skydiving, base jumping or other activity involving a parachute. Emergency landings, as determined by city law and code enforcement officers, are allowed;

I<sup>[NC4]</sup>. Engage in any of the following activities: hang gliding, paragliding, parapenting, parachuting, parasailing, mountain skateboarding, mountain ski-biking, off-road roller blading, or the use of remote-controlled land, water, or airborne devices;

J<sup>[NC5]</sup>. Operate, drive, park or ride upon any vehicle, as defined in the state motor vehicle code, ~~within a park, [C.R.S. 42-1-102],~~ except upon areas designated for such use. Vehicles in violation of this ~~section~~subsection J shall be subject to being towed away at owner's expense. Only persons with a disability may park in spaces designated for persons with disabilities. An identifying plate or identifying placard obtained pursuant to C.R.S. 42-3-204, shall be displayed at all times while vehicle is parked in such space;

K. Operate, drive, park or ride upon any motorcycle, snowmobile, off-highway vehicle, farm tractor, or any auto or other motorized or non-motorized conveyance or device~~vehicle in any park~~ except when posted specifically for such use.; ~~provided, that nonmotorized cycles and electrical assisted bicycles shall be permitted to use pathways within any park unless such use is specifically prohibited and signs are posted giving notice of such prohibition;~~This subsection K shall not apply to vehicles as defined under the state motor vehicle law (which are subject to subsection J, above) or to bicycles (which are subject to subsection L, below);

L. Operate or ride a bicycle or electrical assisted bicycle, except on officially designated roads, bikepaths and trails and only when those areas are not posted to prohibit such use. Subject to section 14.12.050 of this code, the director may adopt bicycle and electrical assisted bicycle use restrictions on specific trails or open space areas when such restrictions are necessary for resource protection or safety related issues. Such restrictions shall be posted at the trailheads. It shall be unlawful for any person to violate the posted restrictions;

M<sup>[NC6]</sup>. Exceptions to the requirements of subsections J, K and L may be granted to persons with disabilities, by permission from the director, for the use of single-rider, motorized and non-motorized vehicles adapted for recreational use by people with disabilities;

N. Wash, repair, or service any automobile or other conveyance ~~within any park or city-owned parking facility without the prior written consent of the director;~~

O. Bring or maintain in any dog or other animal upon any improved park, bike path, community building, lands or area designated by the director of parks and recreation as being subject to these rules and regulations, any dog or other animal, in buildings, facilities or bodies of water regulated under this section unless such dog or other animal is kept at all times on a leash not to exceed 4510 feet in length, and is under the physical control of its owner or custodian. ~~The, except in "dog off-leash" and "dog park" areas as designated by, where dogs may be off leash only in accordance with the director of community services shall be of a residential character or adjacent to a residential area or be rules and regulations application to such dog off-~~

~~leash and dog park areas adjacent to parks or other facilities used by the public. In addition, any person bringing a dog or other animal in or upon any improved park, within ten feet of an improved bikeway or area designated as described in this section, shall pick up and transfer from the park any feces from such animal. Also, no person shall leave or deposit dogs, cats, fowl, fish or other animals, dead or alive, in any park, municipal lake, or described area in this subsection~~<sup>[NC7]</sup>. Notwithstanding the foregoing, no person shall bring or maintain any dog or other animal upon lands or in buildings, facilities or bodies of water regulated under this section that is known or deemed by city staff to be aggressive or in heat, regardless of whether that dog or other animal is kept on a leash under the physical control of its owner or custodian;

P. Bring or maintain any dog or other animal within the fenced area of any city ballfields, including those at the Louisville Sports Complex, or within the Louisville Cemetery, except as provided in section 14.24.150(G) of this code;

Q. To not immediately pick up and transfer from the park properly dispose of any feces in a waste receptacle from such animal. Also, no person shall any dog or other animal under such person's ownership or care;

R. Release, abandon, leave or deposit dogs, cats, fowl, fish or other animals any animal, whether dead or alive, in any park, municipal lake, or described area in this subsection;

S. Pasture, graze, maintain, ride or walk any livestock, including but not limited to cattle, sheep, goats, donkey, llamas, alpacas, or horses;

~~— Ride upon any horse or any other animal in any park except in areas designated and posted specifically for such use. No cattle, sheep, goats, horses or any animal shall be allowed to graze in any park except in areas designated and posted specifically for such use;~~

T. Leave any garbage, trash, cans, bottles, papers or other refuse elsewhere than in the receptacles provided therefor. It is unlawful for any person to use the receptacles provided for ~~in this section for~~ the purpose of depositing yard clippings or other garbage or trash generated on private property~~;~~. It is unlawful for any person to deposit yard waste, soil, or landscaping materials in or upon any lands, buildings, facilities or bodies of water regulated under this section;

<sup>U</sup><sup>[NC8]</sup>. Encroach into lands regulated under this section with any private improvements, including but not limited to gardens, landscaping, fences, paths or compost piles, or store any personal property on lands regulated under this section;

V. Use, distribute or consume any alcoholic beverages or 3.2 beer in parks or community buildings except in conformance with the statutes of the state and ordinances of the city regarding the sale or consumption of alcoholic beverages;

W. Use, consume or distribute any alcoholic beverage, malt liquor, spirituous liquor, 3.2 beer, or vinous liquor, in any park owned by the R-E-2 school district and leased by the city, during regular school hours;

X. Use or attempt to use or interfere with the use of any table, space or facility ~~within any park or building~~ which at the time is reserved for any other person or group by a permit from the director ~~therefor~~. Unless the actual use of the table, space, area, building or facility referred to in any such permit is commenced within one hour after the period covered by such permit begins, such permit shall terminate;

Y. Take, seize, feed, pursue, trap, harass, disturb, molest, injure or hunt any ~~bird, reptile, animal,~~ fish, wildlife or animal livestock in any park or ~~community~~ building, or portion thereof, ~~unless posted specifically for that purpose and in compliance with the game, fish and wildlife laws of the state;~~

Z.<sup>[NC9]</sup> Take, seize, harass, disturb, molest, injure, remove, damage or deface any animal habitat;

AA. Dig, remove, destroy, injure, mutilate, collect, deface, mark, write or print upon, pollute, break or cut, or attach any ~~tree, plant, shrub, bloom or flower, or card,~~ sign, display or similar device to, any natural or cultural resource or any portion thereof, ~~growing in any park or area of a community building, or remove any wood, turf~~including but not limited to trees, grass, soil, and rock, ~~sand or gravel from any park. Duly~~or any man-made feature, including but not limited to buildings, cages, pens, monuments, signs, fences, kiosks, benches, tables, apparatus, or equipment. The building or maintaining of private paths or paths not authorized by the city employees in the performance (including but not limited to paths consisting of their duties or persons participating in city sponsored activities are excepted from the foregoing provisions; rock, flagstone, or mowed or cut grass or plants) is prohibited;

Cut,<sup>[NC10]</sup> ~~break, injure, mark, write or print upon or otherwise deface or disturb any rock, building, cage, pen, monument, sign, fence, bench, structure, apparatus, equipment or property in a park; attach thereto any sign, card, display or other similar device, except as authorized by permit; or attach to any community building materials, devices or equipment for the purpose of decorating that facility or for any other purpose. Duly authorized city employees in the performance of their duties shall be excepted from the foregoing provisions;~~

BB. Collect firewood or build, Light light or maintain a fire ~~in any park,~~ unless such fire is ~~lighted and maintained only in a stove, fire circle, device or place intended for such purpose;~~ kept within a gas stove or grill with a barrier to protect the ground from grease; except that, all fires are prohibited at the Louisville Sports Complex, excluding the parking lot where gas stoves and grills are permitted. The foregoing notwithstanding, charcoal is prohibited within all lands, buildings, facilities or bodies of water regulated under this section;

CC. Bring onto or use ~~in any park or recreation facility owned, leased or under the supervision of the city department of parks and recreation, within lands, buildings, facilities or bodies of water regulated under this section~~ any glass ~~container~~ or ~~any~~ other breakable container ~~without the written consent of the director of parks and recreation;~~

DD<sup>[NC11]</sup>. Discharge or carry any firearms (concealed or otherwise), projectile weapons, or explosives of any kind including but not limited to BB guns, pellet guns, air guns, paint ball guns, blow guns, crossbows, longbows and slingshots; provided, however, that this subsection DD shall not be construed to prohibit the carrying of a concealed handgun if, at the time of carrying the concealed handgun, the person holds a valid written permit to carry a concealed handgun issued pursuant to C.R.S. 18-12-201 et seq., and is otherwise carrying the concealed weapon in accordance with any applicable state or local law. Further, peace officers on official duty are exempt from this subsection DD. It is also an exception to this subsection DD that the discharge of firearms at military funerals or similar occasions within the Louisville Cemetery may be authorized pursuant to section 14.24.150(F) of this code;

EE. Ignite or launch any fireworks-in-any park, rockets, hobby rockets or building withoutsimilar projectile;

FF<sup>[NC12]</sup>. Conduct research projects that require the use of equipment or that impact natural resources. The prohibition in this subsection is not intended to prohibit passive nature studies that do not disturb the land or natural resources contained thereon;

GG<sup>[NC13]</sup>. Fail to yield to other trail users in the manner defined herein or as otherwise posted at trailheads. The appropriate order for yielding the trail right-of-way is as follows: Bicyclists yield to pedestrians, and bicyclists headed downhill yield to bicyclists headed uphill. Yielding the right-of-way requires slowing down to a safe speed, establishing communication, being prepared to stop, stopping when necessary to allow safe passage, and passing safely;

HH<sup>[NC14]</sup>. Violate any posted regulatory sign;

II<sup>[NC15]</sup>.Engage in geocaching unless authorized by a written permit issued by the director, except that geocaching is never authorized in the Louisville Cemetery. For purposes of this subsection, "Geocaching" means a recreational activity requiring participants to search for hidden items using global positioning system coordinates retrieved from an internet website or other source;

~~[NC16]Enter, be or remain in any park, or a designated area within a park, the use of which is restricted to members of a specific age group, if not a member of such age group, or refuse to depart from such restricted area upon request of a police officer or other duly authorized employee, provided, that:~~

~~1. The age of restriction has been imposed by order of the director;~~

~~2. Signs are posted in such restricted park or area giving public notice of such restriction. Parents and other persons having responsibility for care and custody of one or more members of the age group authorized to use the park or area shall be exempt from the provisions of this subsection;~~

JJ<sub>[NC17]</sub>. Leave any items of personal property unattended in excess of twenty-four hours. Items of personal property left unattended in excess of twenty-four hours shall be deemed abandoned, and may be disposed of by the city in accordance with applicable law;

KK<sub>[NC18]</sub>. Swim, dive, wade, ice skate or ice fish on any lake, pond, stream, reservoir or other body of water;

LL<sub>[NC19]</sub>. Boat on any lake, pond, stream, reservoir or other body of water;

MM<sub>[NC20]</sub>. Knowingly obstruct, impair, or hinder the performance of the official duties of any employee of the city. Without limiting the generality of the foregoing, no person shall:

1. Fail to comply with a lawful request of a city employee;
2. Attempt to elude or evade a city employee who has made a request or given an order in accordance with this section;
3. Harass a city employee; or
4. Provide false or misleading information with the intent to mislead the city employee in the performance of the employee's duties;

NN<sub>[NC21]</sub>. Smoke or carry any lighted smoking instrument, except that tobacco may be smoked in open air areas of the Coal Creek Golf Course in accordance with chapter 8.56 of this code;

OO<sub>[NC22]</sub>. Enter or remain in a park or greenbelt area outside of the hours of use set forth in 14.12.050. There is no camping allowed on any land regulated under this section. Automobiles and other conveyances may not be parked, abandoned, or otherwise remain in city parking lots, including without limitation the parking lots of the Louisville Sports Complex, during closed hours, except as follows:

1. During attendance at a function conducted or sponsored by of the city;
2. During attendance at a function which has been issued a permit;
3. By a city employee acting in the performance of such employee's duties;
4. With the prior written consent of the director; or
5. In areas as otherwise posted.

Vehicles in violation of this subsection shall be subject to being towed away at owner's expense;



~~Park~~<sup>[NC23]</sup>, abandon, or otherwise allow automobiles and other conveyances to remain in parks or community building parking lots between the hours of 11:00 p.m. and sunrise, except as follows:

- ~~1. During attendance at a function conducted under the auspices of the city;~~
- ~~2. During attendance at a function which has been issued a permit;~~
- ~~3. As a city employee in the performance of his duty;~~
- ~~4. With the prior written consent of the director; or~~
- ~~5. In areas as otherwise posted. Vehicles in violation of this section may be towed away at owner's expense;~~

<sup>PP</sup><sup>[NC24]</sup>. Enter or remain within lands that are closed in accordance with section 14.12.070;

<sup>QQ</sup><sup>[NC25]</sup>. Bring or allow an animal under such person's control to enter or remain within lands that are closed to such animal in accordance with section 14.12.070;

<sup>RR</sup>. Make loud, disruptive or unusual noises, which disturb or tend to disturb the peace and quiet of other persons; or

~~Cause any disturbance in any park or recreation facility of the city through loud, tumultuous or obstreperous conduct, or by loud and unusual noises which disturb or tend to disturb the peace and quiet of other persons.~~

<sup>SS</sup><sup>[NC26]</sup>. Engage in any careless or reckless behavior or activity that constitutes a hazard to a person's own safety or to the safety or security of other persons or property.

## COMPARISON DOCUMENT

### PARKS ENFORCEMENT, ADMINISTRATIVE RULEMAKING & COMPARISON DOCUMENT

(redlines show changes to old code)

#### Sec. 14.12.040. - Enforcement of rules.

The director, ranger naturalist and any law enforcement officers acting in the line of duty shall diligently enforce the provisions of this title and shall have the authority to eject from any park or community building land, building, facility or body of water regulated under section 14.12.010 any person acting in violation of these rules and regulations. Further, the director shall have the authority to deny use of parks or community buildings lands, buildings, facilities or bodies of water regulated under section 14.12.010 to individuals or groups who refuse to comply with the provisions of this chapter and regulations promulgated hereunder.

#### Sec. 14.12.060. - Administrative rules and regulations. [NC1]

The director is authorized to propose administrative rules and regulations not inconsistent with and that supplement the provisions of this chapter to the city manager. The city manager is authorized to deny, adopt or modify and adopt such rules and regulations. All persons shall comply with such rules and regulations, which shall take effect upon their adoption by the city manager. The city manager, or the city manager's designee, shall, within two days of adopting any administrative rules or regulations pursuant to this section, send notification to the city council of such action. The city council may rescind or modify administrative rules or regulations adopted by the city manager. Rules and regulations adopted by the city manager, and as may be modified by city council, shall remain in effect for ninety days after their adoption by the city manager, unless sooner rescinded by the city manager or city council.

#### Sec. 14.12.070. - Closures. [NC2]

The director may from time to time close all or a portion of any land, building, facility or body of water regulated under section 14.12.010, to the public or to certain animals, or both, as the director determines necessary or desirable due to wildlife, vegetation, management review, contractual agreement or public safety concerns. A closure by the director shall be for a temporary, fixed period of time; except that, a closure may be permanent if consented to by the city council. Within two business days of making a decision to close all or a portion of any land, building, facility or body of water regulated under section 14.12.010, the director or the director's designee shall send notification of the closure to the city manager and city council. The city manager or city council may rescind or modify the decision of the director. All closures shall be posted at the land, building, facility or body of water subject to the closure.

**ORDINANCE NO. 1760  
SERIES 2018**

**AN ORDINANCE REPEALING AND RE-ENACTING WITH AMENDMENTS CERTAIN SECTIONS OF TITLES 4 AND 14 OF THE LOUISVILLE MUNICIPAL CODE CONCERNING REGULATION OF CITY OPEN SPACE AND PARKS**

**WHEREAS**, the City of Louisville (“City”) is a home rule municipal corporation, duly organized and existing pursuant to the Louisville Home Rule Charter (“Charter”); and

**WHEREAS**, the City has authority under the Charter to adopt ordinances regulating City open space and parks; and

**WHEREAS**, City ordinances regulating use of open space are codified in Title 4 of the Louisville Municipal Code (the “Code”), and City ordinances regulating use of parks and recreation lands and facilities are codified in Title 14 of the Code; and

**WHEREAS**, Titles 4 and 14 of the Code contain various prohibitions relating to City open space and park lands; and

**WHEREAS**, the City Council of the City (the “City Council”) desires to amend the Code to clarify the actions that are prohibited within City open space and parks, and to provide for greater consistency between the prohibitions contained in Titles 4 and 14, so as to encourage greater compliance with and to provide for enhanced enforcement of City rules regulating the use of open space and parks; and

**WHEREAS**, the City Council further desires to amend the Code to extend the prohibitions in Chapter 4.04 of the open space title to lands recommended to the City Council for designation as open space by resolution of the open space advisory board; and

**WHEREAS**, the City Council further desires to amend the Code to extend the prohibitions in Section 14.12.010 to the Louisville Cemetery; and

**WHEREAS**, the City has established the position of Ranger-Naturalist (“Ranger”), who is a duly authorized to enforce certain provisions of the Code on City open space and park land, including but not limited to the prohibitions contained in Titles 4 and 14; and

**WHEREAS**, some City open space is owned jointly with the County of Boulder or other municipalities; and

**WHEREAS**, the City Council further desires to amend the Code to authorize the Ranger and City law enforcement officers to enforce City ordinances on jointly-owned open space property, and to establish that citations issued for violations are returnable to the Louisville Municipal Court; and

**WHEREAS**, the City Council desires to make other modifications to Titles 4 and 14 of the Code;

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:**

**Section 1.** Section 4.01.020 of the Louisville Municipal Code is hereby amended to add two new definitions as subsections G and H, to read as follows:

G. *Regulatory sign* shall mean a sign authorized by the parks and recreation department containing an image, language or combination of both to indicate or reinforce the regulations of this title, which may include, without limitation, a direction, instruction, order, warning, restriction, regulation, rule, prohibition or any combination of the foregoing.

H. *Smoking instrument* shall mean and include cigarettes, cigars, pipes, bongs, joints, blunts or any other vessel or device containing tobacco or marijuana.

**Section 2.** Chapter 4.04 of the Louisville Municipal Code is hereby repealed and reenacted in its entirety, to read as follows:

Chapter 4.04

**USE REGULATIONS—CITY OPEN SPACE**

Sec. 4.04.010. Scope; prohibitions.

Sec. 4.04.020. Exceptions.

Sec. 4.04.030. Enforcement of applicable laws and ordinances.

~~Sec. 4.04.040. Group use.~~

Sec. 4.04.0450. Enforcement of rules.

Sec. 4.04.0560. Hours of use.

Sec. 4.04.0670. Administrative rules and regulations.

Sec. 4.04.0780. Closures.

Sec. 4.04.0890. Violation; penalty.

~~Sec. 4.04.090. Group use.~~

**Sec. 4.04.010. - Scope; prohibitions.**

Except as otherwise indicated, this chapter shall apply to open space lands, whether owned solely or jointly by the city, and to all public lakes, ponds, streams, reservoirs or other bodies of water within or bordering such lands. This chapter shall also apply to city-owned lands recommended to the city council for designation as open space by resolution of the open space advisory board. In the use of such lands or bodies of water, it shall be unlawful for any person to:

A. Engage in any business or commercial purpose (such as, by way of example and not limitation, races or events; filming movies or commercials; or equipment demonstrations). Individuals engaging in still camera photography are exempt;

B. Conduct sales for profit, except by written permit as provided in section 4.04.020 and in full compliance with the sales tax ordinance of the city;

C. Sell, vend, peddle or distribute any merchandise or property whatsoever, or sell tickets for any event whatsoever, or solicit contributions;

D. Distribute, circulate, give away, throw or deposit any handbills, circulars, pamphlets, papers or advertisements, or post or affix any handbills, circulars, pamphlets, papers or advertisements to any tree, fence or structure;

E. Utilize any machine or device for the purpose of amplification of human voice, music or any other sound;

F. Drive, putt, or in any other fashion play or practice golf or use golf balls or golf clubs, except in areas set aside and posted for that purpose;

G. Throw, discharge, take off, land or operate by remote control any motorized or non-motorized aircraft, manned or unmanned, including but not limited to drones, missiles, rockets, airplanes, helicopters, ultralights, gliders/sailplanes, paragliders, powered parachutes and hot-air balloons. Emergency landings, as determined by city law and code enforcement officers, are allowed;

H. Land with a parachute after skydiving, base jumping or other activity involving a parachute. Emergency landings, as determined by city law and code enforcement officers, are allowed;

I. Engage in any of the following activities: hang gliding, paragliding, parapenting, parachuting, parasailing, mountain skateboarding, mountain ski-biking, off-road roller blading, or the use of remote-controlled land, water, or airborne devices;

J. Operate, drive, park or ride upon any vehicle, as defined in the state motor vehicle code [C.R.S. 42-1-102], except upon areas designated for such use. Vehicles in violation of this subsection J shall be subject to being towed away at owner's expense. Only persons with a disability may park in spaces designated for persons with disabilities. An identifying plate or identifying placard obtained pursuant to C.R.S. 42-3-204, shall be displayed at all times while vehicle is parked in such space;

K. Operate, drive, park or ride upon any motorcycle, snowmobile, off-highway vehicle, farm tractor, or any other motorized or non-motorized conveyance or device except when posted specifically for such use. This subsection K shall not apply to vehicles as defined under the state motor vehicle law (which are subject to subsection J, above) or to bicycles (which are subject to subsection L, below);

L. Operate or ride a bicycle or electrical assisted bicycle, except on officially designated roads, bikepaths, and trails and only when those areas are not posted to prohibit such use. Subject to section 4.04.0670 of this code, the director may adopt bicycle and electrical assisted bicycle use restrictions on specific trails or lands regulated under this section when such restrictions are necessary for resource protection or safety related issues. Such restrictions shall be posted at the trailheads. It shall be unlawful for any person to violate the posted restrictions;

M. Exceptions to the requirements of subsections J, K and L may be granted to persons with disabilities, by permission from the director, for the use of single-rider, motorized and non-motorized vehicles adapted for recreational use by people with disabilities;

N. Wash, repair, or service any automobile or other conveyance;

O. Bring or maintain any dog or other animal on lands or in bodies of water regulated under this section, unless such dog or other animal is kept at all times on a leash not to exceed 10 feet in length and is under the physical control of its owner or custodian, except in "dog off-leash" and "dog park" areas, where dogs may be off leash only in accordance with the rules and regulations application to such dog off-leash and dog park areas. Notwithstanding the foregoing, no person shall bring or maintain any dog or other animal on lands or in bodies of water regulated under this section that is known or deemed by city staff to be aggressive or in heat, regardless of whether that dog or other animal is kept on a leash under the physical control of its owner or custodian;

~~P. — Bring or maintain any dog or other animal on Harper Lake Open Space;~~

~~—QP.~~ To not immediately pick up and properly dispose of any feces in a waste receptacle from any dog or other animal under such person's ownership or care;

~~QR.~~ Release, abandon, leave or deposit any animal, whether dead or alive;

~~RS.~~ Pasture, graze, maintain, ride or walk any livestock, including but not limited to cattle, sheep, goats, donkeys, llamas, alpacas, or horses;

~~ST.~~ Leave any garbage, trash, cans, bottles, papers or other refuse elsewhere than in the receptacles provided therefor. It is unlawful for any person to use the receptacles provided for the purpose of depositing yard clippings or other garbage or trash generated on private property. It is unlawful for any person to deposit yard waste, soil, or landscaping materials on lands or in bodies of water regulated under this section;

~~TU~~. Encroach into any lands regulated under this section with any private improvements, including but not limited to gardens, landscaping, fences, paths or compost piles, or store any personal property lands regulated under this section;

~~UV~~. Use, distribute, or consume any alcoholic beverages or 3.2 beer except in conformance with the statutes of the state and ordinances of the city regarding the sale or consumption of alcoholic beverages;

~~VW~~. Use or attempt to use or interfere with the use of any table, space or facility which at the time is reserved for any other person or group by a permit from the director. Unless the actual use of the table, space, area, building or facility referred to in any such permit is commenced within one hour after the period covered by such permit begins, such permit shall terminate;

~~WX~~. Take, seize, feed, pursue, trap, harass, disturb, molest, injure or hunt any animal, fish, wildlife or livestock; except that, fishing is allowed in Harper Lake, the Warembourg Fishing Pond and Lake Park in accordance with state fishing laws;

~~XY~~. Take, seize, harass, disturb, molest, injure, remove, damage or deface any animal habitat;

~~YZ~~. Dig, remove, destroy, injure, mutilate, collect, deface, mark, write or print upon, pollute, break or cut, or attach any card, sign, display or similar device to, any natural or cultural resource or any portion thereof, including but not limited to trees, grass, soil, and rock, or any man-made feature, including but not limited to buildings, cages, pens, monuments, signs, fences, kiosks, benches, tables, apparatus, or equipment. The building or maintaining of private paths or paths not authorized by the city (including but not limited to paths consisting of rock, flagstone, or mowed or cut grass or plants) is prohibited;

~~ZAA~~. Collect firewood or build, light or maintain a fire, grill or stove;

~~AABB~~. Bring onto or use on any lands or in bodies of water regulated under this section any glass or other breakable container;

~~BBCC~~. Discharge or carry any firearms (concealed or otherwise), projectile weapons, or explosives of any kind including but not limited to BB guns, pellet guns, air guns, paint ball guns, blow guns, crossbows, longbows and slingshots; provided, however, that this subsection ~~CC-BB~~ shall not be construed to prohibit the carrying of a concealed handgun if, at the time of carrying the concealed handgun, the person holds a valid written permit to carry a concealed handgun issued pursuant to C.R.S. 18-12-201, *et seq.*, and is otherwise carrying the

concealed weapon in accordance with any applicable state or local law. Further, peace officers on official duty are exempt from this subsection ~~BBCC~~;

~~CCDD~~. Ignite or launch any fireworks, rockets, hobby rockets or similar projectile;

~~DDEE~~. Conduct research projects that require the use of equipment or that impact natural resources. The prohibition in this subsection is not intended to prohibit passive nature studies that do not disturb the land or natural resources contained thereon;

~~EEFF~~. Fail to yield to other trail users in the manner defined herein or as otherwise posted at trailheads. The appropriate order for yielding the trail right-of-way is as follows: Bicyclists yield to pedestrians, and bicyclists headed downhill yield to bicyclists headed uphill. Yielding the right-of-way requires slowing down to a safe speed, establishing communication, being prepared to stop, stopping when necessary to allow safe passage, and passing safely;

~~FFGG~~. Violate any posted regulatory sign;

~~GGHH~~. Engage in any geocaching unless authorized by a written permit issued by the director. For purposes of this subsection, “Geocaching” means a recreational activity requiring participants to search for hidden items using global positioning system coordinates retrieved from an internet website or other source;

~~HHH~~. Leave any items of personal property unattended in excess of twenty-four hours. Items of personal property left unattended in excess of twenty-four hours shall be deemed abandoned, and shall be disposed of by the city in accordance with applicable law;

~~IJJ~~. Swim, dive, wade, ice skate or ice fish on any lake, pond, stream, reservoir or other body of water;

~~JKK~~. Boat on any lake, pond, stream, reservoir or other body of water; except that, boating is permitted on Harper Lake. Any boat used on Harper Lake must display a valid city permit;

~~KKLL~~. Knowingly obstruct, impair, or hinder the performance of the official duties of any employee of the city. Without limiting the generality of the foregoing, no person shall:

1. Fail to comply with a lawful request of a city employee;
2. Attempt to elude or evade a city employee who has made a request or given an order in accordance with this section;



3. Harass a city employee; or
4. Provide false or misleading information with the intent to mislead the city employee in the performance of the employee's duties;

LLMM. Smoke or carry any lighted smoking instrument;

MMNN. Enter or remain in any land or body of water regulated under this section outside of the hours of use set forth in 4.04.0560. There is no camping allowed on any lands regulated under this section. Automobiles and other conveyances may not be parked, abandoned, or otherwise remain in city parking lots during closed hours, except as follows:

1. During attendance at a function conducted or sponsored by the city;
2. During attendance at a function which has been issued a permit;
3. By a city employee acting in the performance of such employee's duties;
4. With the prior written consent of the director; or
5. In areas as otherwise posted.

Vehicles in violation of this subsection shall be subject to being towed away at owner's expense;

NNOO. Enter or remain within lands that are closed in accordance with section 4.04.0780;

OOPP. Bring or allow an animal under such person's control to enter or remain within lands that are closed to such animal in accordance with section 4.04.0780;

PPQQ. Make loud, disruptive or unusual noises, which disturb or tend to disturb the peace and quiet of other persons; or

QQRR. Engage in any careless or reckless behavior or activity that constitutes a hazard to the person's own safety or to the safety or security of other persons or property.

RR. Bring or maintain any dog or other animal on Harper Lake Open Space;

#### **Sec. 4.04.020. – Exceptions.**

A. City employees, firefighters or law enforcement officers acting in the performance of their duties are exempt from the prohibitions in section 4.04.010.

B. The director may, in the director's sole discretion, grant exceptions by written permit to the specific prohibitions set forth in subsections A, B, C, D, E, I, K, M, ~~RS~~, ~~BBCC~~ and ~~DDEE~~ of section 4.04.010. An exception permit granted by the director shall be valid for a period of no more than two weeks. The permit shall name the person or group receiving the exception, shall detail the specific prohibition(s) from which the person or group is excepted, shall state the date of issuance and date of expiration, and shall state any terms and conditions relating to such exception permit. Any person who has obtained an un-expired written permit shall not be in violation of the prohibition(s) from which the person was excepted.

#### **Sec. 4.04.030. - Enforcement of applicable laws and ordinances.**

All persons entering lands or bodies of water regulated under section 4.04.010 shall abide by the rules and regulations of the city, as provided in this chapter and elsewhere in this code, the rules and regulations adopted in accordance with section 4.04.0670, and the instructions and directions of duly authorized agents, employees or law enforcement officers of the city acting in their official capacity.

#### ~~**Sec. 4.04.040. – Group use.**~~

~~Group use reservations are required for use by any group of 25 or more persons of any open space land, whether owned solely or jointly by the city, or any city-owned lands recommended to the city council for designation as open space by resolution of the open space advisory board. Requests must include the group affiliation, date and time of use, trails or areas to be used and other details of the use. If, in the opinion of the city council or the director the activity will cause significant impact to the natural environment or will require significant departmental resources, the city may impose a fee to cover costs expected to be incurred by the parks and recreation department, or deny permission for the activity. Any fee imposed under this section shall be in an amount established by the city manager.~~

#### **Sec. 4.04.0450. - Enforcement of rules.**

The director, ranger naturalists and any law enforcement officers acting in the line of duty shall have the authority to enforce the provisions of this chapter and shall have the authority to eject from any lands or bodies of water regulated under section 4.04.010 any person acting in violation of the provisions of this chapter. Further, the director shall have the authority to deny use of any lands or bodies of

water regulated under section 4.04.010 to individuals or groups who refuse to comply with the provisions of this chapter and regulations promulgated hereunder. All summons and complaints issued on open space owned jointly by the city for violation of this title shall be returnable to the Louisville Municipal Court.

**Sec. 4.04.0560. - Hours of use.**

Unless otherwise posted, lands and bodies of water regulated under section 4.04.010 shall be open daily from one hour prior to sunrise until one hour after sunset.

**Sec. 4.04.0670. - Administrative rules and regulations.**

The director is authorized to propose administrative rules and regulations not inconsistent with and that supplement the provisions of this chapter to the city manager. The city manager is authorized to deny, adopt or modify and adopt such rules and regulations. All persons shall comply with such rules and regulations, which shall take effect upon their adoption by the city manager. The city manager, or the city manager's designee, shall, within two days of adopting any administrative rules or regulations pursuant to this section, send notification to the city council of such action. The city council may rescind or modify administrative rules or regulations adopted by the city manager. Rules and regulations adopted by the city manager, and as may be modified by city council, shall remain in effect for ninety days after their adoption by the city manager, unless sooner rescinded by the city manager or city council.

**Sec. 4.04.0870. - Closures.**

The director may from time to time close all or a portion of any land or body of water regulated under section 4.04.010, to the public or to certain animals, or both, as the director determines necessary or desirable due to wildlife, vegetation, management review, contractual agreement or public safety concerns. A closure by the director shall be for a temporary, fixed period of time; except that, a closure may be permanent if consented to by the city council. Within two business days of making a decision to close all or a portion of any land or body of water regulated under section 4.04.010, the director or the director's designee shall send notification of the closure to the city manager and city council. The city manager or city council may rescind or modify the decision of the director. All closures shall be posted at the property or body of water subject to the closure.

**Sec. 4.04.0890. - Violation; penalty.**

It shall be unlawful for any person to violate any provision of this chapter, and any person found guilty of violating any provision of this chapter shall be punished for each violation as provided in section 1.28.010.

**Sec. 4.04.0940. - Group use.**

Group use reservations are required for use by any group of 25 or more persons of any open space land, whether owned solely or jointly by the city, or any city-owned lands recommended to the city council for designation as open space by resolution of the open space advisory board. Requests must include the group affiliation, date and time of use, trails or areas to be used and other details of the use. If, in the opinion of the city council or the director the activity will cause significant impact to the natural environment or will require significant departmental resources, the city may impose a fee to cover costs expected to be incurred by the parks and recreation department, or deny permission for the activity. Any fee imposed under this section shall be in an amount established by the city manager.

**Section 3.** Chapter 14.08 of the Louisville Municipal Code is hereby amended by the addition of a new section 14.08.090, to read as follows:

**Sec. 14.08.090. - Regulatory sign.**

*Regulatory sign* means a sign authorized by the parks and recreation department containing an image, language or combination of both to indicate or reinforce the regulations of this title, which may include, without limitation, a direction, instruction, order, warning, restriction, regulation, rule, prohibition or any combination of the foregoing.

**Section 4.** Chapter 14.08 of the Louisville Municipal Code is hereby amended by the addition of a new section 14.08.100, to read as follows:

**Sec. 14.08.100. – Smoking instrument.**

*Smoking instrument* means and includes cigarettes, cigars, pipes, bongos, joints, blunts or any other vessel or device containing tobacco or marijuana.

**Section 5.** Chapter 14.12 of the Louisville Municipal Code is hereby repealed and reenacted in its entirety, to read as follows:

Chapter 14.12

**COMPLIANCE WITH REGULATIONS**

Sec. 14.12.010. Compliance required.

Sec. 14.12.020. Exceptions.

Sec. 14.12.030. Enforcement of applicable laws and ordinances.

Sec. 14.12.040. Enforcement of rules.

Sec. 14.12.050. Hours of use.

Sec. 14.12.060. Administrative rules and regulations.

Sec. 14.12.070. Closures.

Sec. 14.12.080. Violation; penalty.

**Sec. 14.12.010. - Compliance required.**

Except where otherwise indicated, this section shall apply to parks, buildings, recreation facilities, city-owned paths or trails, the Louisville Cemetery, and lakes, reservoirs or other bodies of water within the city. In the use of such lands, buildings, facilities, paths, trails or bodies of water it shall be unlawful for any person to:

A. Engage in any business or commercial purpose (such as, by way of example and not limitation, races or events; filming movies or commercials; or equipment demonstrations). Individuals engaging in still camera photography are exempt;

B. Conduct sales for profit, except by written permit as provided in section 14.12.020 and in full compliance with the sales tax ordinance of the city;

C. Sell, vend, peddle or distribute any merchandise or property whatsoever, or sell tickets for any event whatsoever, or solicit contributions;

D. Distribute, circulate, give away, throw or deposit any handbills, circulars, pamphlets, papers or advertisements, or post or affix any handbills, circulars, pamphlets, papers or advertisements to any tree, fence or structure;

E. Utilize any machine or device for the purpose of amplification of human voice, music or any other sound;

F. Drive, putt, or in any other fashion play or practice golf or use golf balls or golf clubs, except in areas set aside and posted for that purpose;

G. Throw, discharge, take off, land or operate by remote control any motorized or non-motorized aircraft, manned or unmanned, including but not limited to drones, missiles, rockets, airplanes, helicopters, ultralights, gliders/sailplanes, paragliders, powered parachutes and hot-air balloons. Emergency landings, as determined by city law and code enforcement officers, are allowed;

H. Land with a parachute after skydiving, base jumping or other activity involving a parachute. Emergency landings, as determined by city law and code enforcement officers, are allowed;

I. Engage in any of the following activities: hang gliding, paragliding, parapenting, parachuting, parasailing, mountain skateboarding, mountain ski-

biking, off-road roller blading, or the use of remote-controlled land, water, or airborne devices;

J. Operate, drive, park or ride upon any vehicle, as defined in the state motor vehicle code [C.R.S. 42-1-102], except upon areas designated for such use. Vehicles in violation of this subsection J shall be subject to being towed away at owner's expense. Only persons with a disability may park in spaces designated for persons with disabilities. An identifying plate or identifying placard obtained pursuant to C.R.S. 42-3-204, shall be displayed at all times while vehicle is parked in such space;

K. Operate, drive, park or ride upon any motorcycle, snowmobile, off-highway vehicle, farm tractor, or any other motorized or non-motorized conveyance or device except when posted specifically for such use. This subsection K shall not apply to vehicles as defined under the state motor vehicle law (which are subject to subsection J, above) or to bicycles (which are subject to subsection L, below);

L. Operate or ride a bicycle or electrical assisted bicycle, except on officially designated roads, bikepaths and trails and only when those areas are not posted to prohibit such use. Subject to section 14.12.0560 of this code, the director may adopt bicycle and electrical assisted bicycle use restrictions on specific trails or open space areas when such restrictions are necessary for resource protection or safety related issues. Such restrictions shall be posted at the trailheads. It shall be unlawful for any person to violate the posted restrictions;

M. Exceptions to the requirements of subsections J, K and L may be granted to persons with disabilities, by permission from the director, for the use of single-rider, motorized and non-motorized vehicles adapted for recreational use by people with disabilities;

N. Wash, repair, or service any automobile or other conveyance;

O. Bring or maintain any dog or other animal upon lands or in buildings, facilities or bodies of water regulated under this section unless such dog or other animal is kept at all times on a leash not to exceed 10 feet in length and is under the physical control of its owner or custodian, except in "dog off-leash" and "dog park" areas, where dogs may be off leash only in accordance with the rules and regulations application to such dog off-leash and dog park areas. Notwithstanding the foregoing, no person shall bring or maintain any dog or other animal upon lands or in buildings, facilities or bodies of water regulated under this section that is known or deemed by city staff to be aggressive or in heat, regardless of whether that dog or other animal is kept on a leash under the physical control of its owner or custodian;

~~——P.—— Bring or maintain any dog or other animal within the fenced area of any city ballfields, including those at the Louisville Sports Complex, or within the Louisville Cemetery, except as provided in section 14.24.150(G) of this code;~~

PQ. To not immediately pick up and properly dispose of any feces in a waste receptacle from any dog or other animal under such person's ownership or care;

QR. Release, abandon, leave or deposit any animal, whether dead or alive;

RS. Pasture, graze, maintain, ride or walk any livestock, including but not limited to cattle, sheep, goats, donkey, llamas, alpacas, or horses;

ST. Leave any garbage, trash, cans, bottles, papers or other refuse elsewhere than in the receptacles provided therefor. It is unlawful for any person to use the receptacles provided for the purpose of depositing yard clippings or other garbage or trash generated on private property. It is unlawful for any person to deposit yard waste, soil, or landscaping materials in or upon any lands, buildings, facilities or bodies of water regulated under this section;

TU. Encroach into lands regulated under this section with any private improvements, including but not limited to gardens, landscaping, fences, paths or compost piles, or store any personal property on lands regulated under this section;

UV. Use, distribute or consume any alcoholic beverages or 3.2 beer in parks or community buildings except in conformance with the statutes of the state and ordinances of the city regarding the sale or consumption of alcoholic beverages.;

~~——W.——~~ Use, consume or distribute any alcoholic beverage, malt liquor, spirituous liquor, 3.2 beer, or vinous liquor, in any park owned by the R-E-2 school district and leased by the city, during regular school hours;

VX. Use or attempt to use or interfere with the use of any table, space or facility which at the time is reserved for any other person or group by a permit from the director. Unless the actual use of the table, space, area, building or facility referred to in any such permit is commenced within one hour after the period covered by such permit begins, such permit shall terminate;

YW. Take, seize, feed, pursue, trap, harass, disturb, molest, injure or hunt any animal, fish, wildlife or livestock in any park or building, or portion thereof;

XZ. Take, seize, harass, disturb, molest, injure, remove, damage or deface any animal habitat;

~~YAA~~. Dig, remove, destroy, injure, mutilate, collect, deface, mark, write or print upon, pollute, break or cut, or attach any card, sign, display or similar device to, any natural or cultural resource or any portion thereof, including but not limited to trees, grass, soil, and rock, or any man-made feature, including but not limited to buildings, cages, pens, monuments, signs, fences, kiosks, benches, tables, apparatus, or equipment. The building or maintaining of private paths or paths not authorized by the city (including but not limited to paths consisting of rock, flagstone, or mowed or cut grass or plants) is prohibited;

~~Z~~—~~BB~~. Collect firewood or build, light or maintain a fire, unless such fire is kept within a gas stove or grill with a barrier to protect the ground from grease; except that, all fires are prohibited at the Louisville Sports Complex, excluding the parking lot where gas stoves and grills are permitted. The foregoing notwithstanding, charcoal is prohibited within all lands, buildings, facilities or bodies of water regulated under this section;

~~AACE~~. Bring onto or use within lands, buildings, facilities or bodies of water regulated under this section any glass or other breakable container;

~~BBDD~~. Discharge or carry any firearms (concealed or otherwise), projectile weapons, or explosives of any kind including but not limited to BB guns, pellet guns, air guns, paint ball guns, blow guns, crossbows, longbows and slingshots; provided, however, that this subsection ~~BBDD~~ shall not be construed to prohibit the carrying of a concealed handgun if, at the time of carrying the concealed handgun, the person holds a valid written permit to carry a concealed handgun issued pursuant to C.R.S. 18-12-201 et seq., and is otherwise carrying the concealed weapon in accordance with any applicable state or local law. Further, peace officers on official duty are exempt from this subsection ~~BBDD~~. It is also an exception to this subsection ~~BBDD~~ that the discharge of firearms at military funerals or similar occasions within the Louisville Cemetery may be authorized pursuant to section 14.24.150(F) of this code;

~~CCEE~~. Ignite or launch any fireworks, rockets, hobby rockets or similar projectile;

~~DDFF~~. Conduct research projects that require the use of equipment or that impact natural resources. The prohibition in this subsection is not intended to prohibit passive nature studies that do not disturb the land or natural resources contained thereon;

~~EEGG~~. Fail to yield to other trail users in the manner defined herein or as otherwise posted at trailheads. The appropriate order for yielding the trail right-of-way is as follows: Bicyclists yield to pedestrians, and bicyclists headed downhill yield to bicyclists headed uphill. Yielding the right-of-way requires slowing down to a safe speed, establishing communication, being prepared to stop, stopping when necessary to allow safe passage, and passing safely;



~~FFHH~~. Violate any posted regulatory sign;

~~GGH~~. Engage in geocaching unless authorized by a written permit issued by the director, except that geocaching is never authorized in the Louisville Cemetery. For purposes of this subsection, “Geocaching” means a recreational activity requiring participants to search for hidden items using global positioning system coordinates retrieved from an internet website or other source;

~~HHJ~~. Leave any items of personal property unattended in excess of twenty-four hours. Items of personal property left unattended in excess of twenty-four hours shall be deemed abandoned, and may be disposed of by the city in accordance with applicable law;

~~IIKK~~. Swim, dive, wade, ice skate or ice fish on any lake, pond, stream, reservoir or other body of water;

~~JJLL~~. Boat on any lake, pond, stream, reservoir or other body of water;

~~KKMM~~. Knowingly obstruct, impair, or hinder the performance of the official duties of any employee of the city. Without limiting the generality of the foregoing, no person shall:

1. Fail to comply with a lawful request of a city employee;
2. Attempt to elude or evade a city employee who has made a request or given an order in accordance with this section;
3. Harass a city employee; or
4. Provide false or misleading information with the intent to mislead the city employee in the performance of the employee’s duties;

~~LLNN~~. Smoke or carry any lighted smoking instrument, except that tobacco may be smoked in open air areas of the Coal Creek Golf Course in accordance with chapter 8.56 of this code;

~~MMOO~~. Enter or remain in a park or greenbelt area outside of the hours of use set forth in 14.12.050. There is no camping allowed on any land regulated under this section. Automobiles and other conveyances may not be parked, abandoned, or otherwise remain in city parking lots, including without limitation the parking lots of the Louisville Sports Complex, during closed hours, except as follows:

1. During attendance at a function conducted or sponsored by of the city;

2. During attendance at a function which has been issued a permit;
3. By a city employee acting in the performance of such employee's duties;
4. With the prior written consent of the director; or
5. In areas as otherwise posted.

Vehicles in violation of this subsection shall be subject to being towed away at owner's expense;

~~NNPP~~. Enter or remain within lands that are closed in accordance with section 14.12.070;

~~QQQQ~~. Bring or allow an animal under such person's control to enter or remain within lands that are closed to such animal in accordance with section 14.12.070;

~~PPRR~~. Make loud, disruptive or unusual noises, which disturb or tend to disturb the peace and quiet of other persons; or

~~QQSS~~. Engage in any careless or reckless behavior or activity that constitutes a hazard to a person's own safety or to the safety or security of other persons or property.

#### **Sec. 14.12.020. – Exceptions.**

A. City employees, firefighters or law enforcement officers acting in the performance of their duties are exempt from the prohibitions in section 14.12.010.

B. The director may, in the director's sole discretion, grant exceptions by written permit to the specific prohibitions in subsections A, B, C, D, ~~AACC~~ and ~~CCEE~~ of section 14.012.010. An exception permit granted by the director shall be valid for a period of no more than two weeks. The permit shall name the person or group receiving the exception, shall detail the specific prohibition(s) from which the person or group is excepted, shall state the date of issuance and date of expiration, and shall state any terms and conditions relating to such exception permit. Any person who has obtained an un-expired written permit shall not be in violation of the prohibition(s) from which the person was excepted.

#### **Sec. 14.12.030. - Enforcement of applicable laws and ordinances.**

All persons entering lands, buildings, facilities, or bodies of water regulated under section 14.12.010, shall abide by the rules and regulations of the city, as provided in this chapter and elsewhere in this code, the rules and regulations promulgated by the director, and the instructions and directions of duly authorized agents, employees or law enforcement officers of the city acting in their official capacity.

**Sec. 14.12.040. - Enforcement of rules.**

The director, ranger naturalist and any law enforcement officers acting in the line of duty shall diligently enforce the provisions of this title and shall have the authority to eject from any land, building, facility or body of water regulated under section 14.12.010 any person acting in violation of these rules and regulations. Further, the director shall have the authority to deny use of lands, buildings, facilities or bodies of water regulated under section 14.12.010 to individuals or groups who refuse to comply with the provisions of this chapter and regulations promulgated hereunder.

**Sec. 14.12.050. - Hours of use.**

The parks and greenbelt areas within the city shall be open daily from 6:00 a.m. until 10:00 p.m., unless a special permit is obtained from the parks and recreation department to extend these hours.

**Sec. 14.12.060. - Administrative rules and regulations.**

The director is authorized to propose administrative rules and regulations not inconsistent with and that supplement the provisions of this chapter to the city manager. The city manager is authorized to deny, adopt or modify and adopt such rules and regulations. All persons shall comply with such rules and regulations, which shall take effect upon their adoption by the city manager. The city manager, or the city manager's designee, shall, within two days of adopting any administrative rules or regulations pursuant to this section, send notification to the city council of such action. The city council may rescind or modify administrative rules or regulations adopted by the city manager. Rules and regulations adopted by the city manager, and as may be modified by city council, shall remain in effect for ninety days after their adoption by the city manager, unless sooner rescinded by the city manager or city council.

**Sec. 14.12.070. - Closures.**

The director may from time to time close all or a portion of any land, building, facility or body of water regulated under section 14.12.010, to the public or to certain animals, or both, as the director determines necessary or desirable due to wildlife, vegetation, management review, contractual agreement or public safety concerns. A closure by the director shall be for a temporary, fixed period of time;

except that, a closure may be permanent if consented to by the city council. Within two business days of making a decision to close all or a portion of any land, building, facility or body of water regulated under section 14.12.010, the director or the director's designee shall send notification of the closure to the city manager and city council. The city manager or city council may rescind or modify the decision of the director. All closures shall be posted at the land, building, facility or body of water subject to the closure.

**Sec. 14.12.080. - Violation; penalty.**

It shall be unlawful for any person to violate any provision of this chapter, and any person found guilty of violating any provision of this chapter shall be punished for each violation as provided in section 1.28.010.

**Section 6.** If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

**Section 7.** The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

**Section 8.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED PUBLISHED** this \_\_\_\_ day of \_\_\_\_\_, 2018.

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Robert P. Muckle, Mayor

ATTEST:

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Meredyth Muth, City Clerk

APPROVED AS TO FORM:

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Light | Kelly, P.C., City Attorney

**PASSED AND ADOPTED ON SECOND AND FINAL READING,** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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Robert P. Muckle, Mayor

ATTEST:

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Meredyth Muth, City Clerk

**ORDINANCE NO. 1760  
SERIES 2018**

**AN ORDINANCE REPEALING AND RE-ENACTING WITH AMENDMENTS  
CERTAIN SECTIONS OF TITLES 4 AND 14 OF THE LOUISVILLE MUNICIPAL  
CODE CONCERNING REGULATION OF CITY OPEN SPACE AND PARKS**

**WHEREAS**, the City of Louisville (“City”) is a home rule municipal corporation, duly organized and existing pursuant to the Louisville Home Rule Charter (“Charter”); and

**WHEREAS**, the City has authority under the Charter to adopt ordinances regulating City open space and parks; and

**WHEREAS**, City ordinances regulating use of open space are codified in Title 4 of the Louisville Municipal Code (the “Code”), and City ordinances regulating use of parks and recreation lands and facilities are codified in Title 14 of the Code; and

**WHEREAS**, Titles 4 and 14 of the Code contain various prohibitions relating to City open space and park lands; and

**WHEREAS**, the City Council of the City (the “City Council”) desires to amend the Code to clarify the actions that are prohibited within City open space and parks, and to provide for greater consistency between the prohibitions contained in Titles 4 and 14, so as to encourage greater compliance with and to provide for enhanced enforcement of City rules regulating the use of open space and parks; and

**WHEREAS**, the City Council further desires to amend the Code to extend the prohibitions in Chapter 4.04 of the open space title to lands recommended to the City Council for designation as open space by resolution of the open space advisory board; and

**WHEREAS**, the City Council further desires to amend the Code to extend the prohibitions in Section 14.12.010 to the Louisville Cemetery; and

**WHEREAS**, the City has established the position of Ranger-Naturalist (“Ranger”), who is a duly authorized to enforce certain provisions of the Code on City open space and park land, including but not limited to the prohibitions contained in Titles 4 and 14; and

**WHEREAS**, some City open space is owned jointly with the County of Boulder or other municipalities; and

**WHEREAS**, the City Council further desires to amend the Code to authorize the Ranger and City law enforcement officers to enforce City ordinances on jointly-owned open space property, and to establish that citations issued for violations are returnable to the Louisville Municipal Court; and

**WHEREAS**, the City Council desires to make other modifications to Titles 4 and 14 of the Code;

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:**

**Section 1.** Section 4.01.020 of the Louisville Municipal Code is hereby amended to add two new definitions as subsections G and H, to read as follows:

G. *Regulatory sign* shall mean a sign authorized by the parks and recreation department containing an image, language or combination of both to indicate or reinforce the regulations of this title, which may include, without limitation, a direction, instruction, order, warning, restriction, regulation, rule, prohibition or any combination of the foregoing.

H. *Smoking instrument* shall mean and include cigarettes, cigars, pipes, bongs, joints, blunts or any other vessel or device containing tobacco or marijuana.

**Section 2.** Chapter 4.04 of the Louisville Municipal Code is hereby repealed and reenacted in its entirety, to read as follows:

Chapter 4.04

**USE REGULATIONS—CITY OPEN SPACE**

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**Sec. 4.04.010. - Scope; prohibitions.**

Except as otherwise indicated, this chapter shall apply to open space lands, whether owned solely or jointly by the city, and to all public lakes, ponds, streams, reservoirs or other bodies of water within or bordering such lands. This chapter shall also apply to city-owned lands recommended to the city council for designation as open space by resolution of the open space advisory board. In the use of such lands or bodies of water, it shall be unlawful for any person to:

A. Engage in any business or commercial purpose (such as, by way of example and not limitation, races or events; filming movies or commercials; or equipment demonstrations). Individuals engaging in still camera photography are exempt;

B. Conduct sales for profit, except by written permit as provided in section 4.04.020 and in full compliance with the sales tax ordinance of the city;

C. Sell, vend, peddle or distribute any merchandise or property whatsoever, or sell tickets for any event whatsoever, or solicit contributions;

D. Distribute, circulate, give away, throw or deposit any handbills, circulars, pamphlets, papers or advertisements, or post or affix any handbills, circulars, pamphlets, papers or advertisements to any tree, fence or structure;

E. Utilize any machine or device for the purpose of amplification of human voice, music or any other sound;

F. Drive, putt, or in any other fashion play or practice golf or use golf balls or golf clubs, except in areas set aside and posted for that purpose;

G. Throw, discharge, take off, land or operate by remote control any motorized or non-motorized aircraft, manned or unmanned, including but not limited to drones, missiles, rockets, airplanes, helicopters, ultralights, gliders/sailplanes, paragliders, powered parachutes and hot-air balloons. Emergency landings, as determined by city law and code enforcement officers, are allowed;

H. Land with a parachute after skydiving, base jumping or other activity involving a parachute. Emergency landings, as determined by city law and code enforcement officers, are allowed;

I. Engage in any of the following activities: hang gliding, paragliding, parapenting, parachuting, parasailing, mountain skateboarding, mountain ski-biking, off-road roller blading, or the use of remote-controlled land, water, or airborne devices;

J. Operate, drive, park or ride upon any vehicle, as defined in the state motor vehicle code [C.R.S. 42-1-102], except upon areas designated for such use. Vehicles in violation of this subsection J shall be subject to being towed away at owner's expense. Only persons with a disability may park in spaces designated for persons with disabilities. An identifying plate or identifying placard obtained pursuant to C.R.S. 42-3-204, shall be displayed at all times while vehicle is parked in such space;

K. Operate, drive, park or ride upon any motorcycle, snowmobile, off-highway vehicle, farm tractor, or any other motorized or non-motorized conveyance or device except when posted specifically for such use. This subsection K shall not apply to vehicles as defined under the state motor vehicle law (which are subject to subsection J, above) or to bicycles (which are subject to subsection L, below);



L. Operate or ride a bicycle or electrical assisted bicycle, except on officially designated roads, bikepaths, and trails and only when those areas are not posted to prohibit such use. Subject to section 4.04.060 of this code, the director may adopt bicycle and electrical assisted bicycle use restrictions on specific trails or lands regulated under this section when such restrictions are necessary for resource protection or safety related issues. Such restrictions shall be posted at the trailheads. It shall be unlawful for any person to violate the posted restrictions;

M. Exceptions to the requirements of subsections J, K and L may be granted to persons with disabilities, by permission from the director, for the use of single-rider, motorized and non-motorized vehicles adapted for recreational use by people with disabilities;

N. Wash, repair, or service any automobile or other conveyance;

O. Bring or maintain any dog or other animal on lands or in bodies of water regulated under this section, unless such dog or other animal is kept at all times on a leash not to exceed 10 feet in length and is under the physical control of its owner or custodian, except in "dog off-leash" and "dog park" areas, where dogs may be off leash only in accordance with the rules and regulations application to such dog off-leash and dog park areas. Notwithstanding the foregoing, no person shall bring or maintain any dog or other animal on lands or in bodies of water regulated under this section that is known or deemed by city staff to be aggressive or in heat, regardless of whether that dog or other animal is kept on a leash under the physical control of its owner or custodian;

P. To not immediately pick up and properly dispose of any feces in a waste receptacle from any dog or other animal under such person's ownership or care;

Q. Release, abandon, leave or deposit any animal, whether dead or alive;

R. Pasture, graze, maintain, ride or walk any livestock, including but not limited to cattle, sheep, goats, donkeys, llamas, alpacas, or horses;

S. Leave any garbage, trash, cans, bottles, papers or other refuse elsewhere than in the receptacles provided therefor. It is unlawful for any person to use the receptacles provided for the purpose of depositing yard clippings or other garbage or trash generated on private property. It is unlawful for any person to deposit yard waste, soil, or landscaping materials on lands or in bodies of water regulated under this section;

T. Encroach into any lands regulated under this section with any private improvements, including but not limited to gardens, landscaping, fences,

paths or compost piles, or store any personal property lands regulated under this section;

U. Use, distribute, or consume any alcoholic beverages or 3.2 beer except in conformance with the statutes of the state and ordinances of the city regarding the sale or consumption of alcoholic beverages;

V. Use or attempt to use or interfere with the use of any table, space or facility which at the time is reserved for any other person or group by a permit from the director. Unless the actual use of the table, space, area, building or facility referred to in any such permit is commenced within one hour after the period covered by such permit begins, such permit shall terminate;

W. Take, seize, feed, pursue, trap, harass, disturb, molest, injure or hunt any animal, fish, wildlife or livestock; except that, fishing is allowed in Harper Lake, the Warembourg Fishing Pond and Lake Park in accordance with state fishing laws;

X. Take, seize, harass, disturb, molest, injure, remove, damage or deface any animal habitat;

Y. Dig, remove, destroy, injure, mutilate, collect, deface, mark, write or print upon, pollute, break or cut, or attach any card, sign, display or similar device to, any natural or cultural resource or any portion thereof, including but not limited to trees, grass, soil, and rock, or any man-made feature, including but not limited to buildings, cages, pens, monuments, signs, fences, kiosks, benches, tables, apparatus, or equipment. The building or maintaining of private paths or paths not authorized by the city (including but not limited to paths consisting of rock, flagstone, or mowed or cut grass or plants) is prohibited;

Z. Collect firewood or build, light or maintain a fire, grill or stove;

AA. Bring onto or use on any lands or in bodies of water regulated under this section any glass or other breakable container;

BB. Discharge or carry any firearms (concealed or otherwise), projectile weapons, or explosives of any kind including but not limited to BB guns, pellet guns, air guns, paint ball guns, blow guns, crossbows, longbows and slingshots; provided, however, that this subsection BB shall not be construed to prohibit the carrying of a concealed handgun if, at the time of carrying the concealed handgun, the person holds a valid written permit to carry a concealed handgun issued pursuant to C.R.S. 18-12-201, *et seq.*, and is otherwise carrying the concealed weapon in accordance with any applicable state or local law. Further, peace officers on official duty are exempt from this subsection BB;

CC. Ignite or launch any fireworks, rockets, hobby rockets or similar projectile;

DD. Conduct research projects that require the use of equipment or that impact natural resources. The prohibition in this subsection is not intended to prohibit passive nature studies that do not disturb the land or natural resources contained thereon;

EE. Fail to yield to other trail users in the manner defined herein or as otherwise posted at trailheads. The appropriate order for yielding the trail right-of-way is as follows: Bicyclists yield to pedestrians, and bicyclists headed downhill yield to bicyclists headed uphill. Yielding the right-of-way requires slowing down to a safe speed, establishing communication, being prepared to stop, stopping when necessary to allow safe passage, and passing safely;

FF. Violate any posted regulatory sign;

GG. Engage in any geocaching unless authorized by a written permit issued by the director. For purposes of this subsection, “Geocaching” means a recreational activity requiring participants to search for hidden items using global positioning system coordinates retrieved from an internet website or other source;

HH. Leave any items of personal property unattended in excess of twenty-four hours. Items of personal property left unattended in excess of twenty-four hours shall be deemed abandoned, and shall be disposed of by the city in accordance with applicable law;

II. Swim, dive, wade, ice skate or ice fish on any lake, pond, stream, reservoir or other body of water;

JJ. Boat on any lake, pond, stream, reservoir or other body of water; except that, boating is permitted on Harper Lake. Any boat used on Harper Lake must display a valid city permit;

KK. Knowingly obstruct, impair, or hinder the performance of the official duties of any employee of the city. Without limiting the generality of the foregoing, no person shall:

1. Fail to comply with a lawful request of a city employee;
2. Attempt to elude or evade a city employee who has made a request or given an order in accordance with this section;
3. Harass a city employee; or

4. Provide false or misleading information with the intent to mislead the city employee in the performance of the employee's duties;

LL. Smoke or carry any lighted smoking instrument;

MM. Enter or remain in any land or body of water regulated under this section outside of the hours of use set forth in 4.04.050. There is no camping allowed on any lands regulated under this section. Automobiles and other conveyances may not be parked, abandoned, or otherwise remain in city parking lots during closed hours, except as follows:

1. During attendance at a function conducted or sponsored by the city;

2. During attendance at a function which has been issued a permit;

3. By a city employee acting in the performance of such employee's duties;

4. With the prior written consent of the director; or

5. In areas as otherwise posted.

Vehicles in violation of this subsection shall be subject to being towed away at owner's expense;

NN. Enter or remain within lands that are closed in accordance with section 4.04.070;

OO. Bring or allow an animal under such person's control to enter or remain within lands that are closed to such animal in accordance with section 4.04.070;

PP. Make loud, disruptive or unusual noises, which disturb or tend to disturb the peace and quiet of other persons; or

QQ. Engage in any careless or reckless behavior or activity that constitutes a hazard to the person's own safety or to the safety or security of other persons or property.

RR. Bring or maintain any dog or other animal on Harper Lake Open Space;

**Sec. 4.04.020. – Exceptions.**

A. City employees, firefighters or law enforcement officers acting in the performance of their duties are exempt from the prohibitions in section 4.04.010.

B. The director may, in the director's sole discretion, grant exceptions by written permit to the specific prohibitions set forth in subsections A, B, C, D, E, I, K, M, R, BB and DD of section 4.04.010. An exception permit granted by the director shall be valid for a period of no more than two weeks. The permit shall name the person or group receiving the exception, shall detail the specific prohibition(s) from which the person or group is excepted, shall state the date of issuance and date of expiration, and shall state any terms and conditions relating to such exception permit. Any person who has obtained an un-expired written permit shall not be in violation of the prohibition(s) from which the person was excepted.

**Sec. 4.04.030. - Enforcement of applicable laws and ordinances.**

All persons entering lands or bodies of water regulated under section 4.04.010 shall abide by the rules and regulations of the city, as provided in this chapter and elsewhere in this code, the rules and regulations adopted in accordance with section 4.04.060, and the instructions and directions of duly authorized agents, employees or law enforcement officers of the city acting in their official capacity.

**Sec. 4.04.040. - Enforcement of rules.**

The director, ranger naturalists and any law enforcement officers acting in the line of duty shall have the authority to enforce the provisions of this chapter and shall have the authority to eject from any lands or bodies of water regulated under section 4.04.010 any person acting in violation of the provisions of this chapter. Further, the director shall have the authority to deny use of any lands or bodies of water regulated under section 4.04.010 to individuals or groups who refuse to comply with the provisions of this chapter and regulations promulgated hereunder. All summons and complaints issued on open space owned jointly by the city for violation of this title shall be returnable to the Louisville Municipal Court.

**Sec. 4.04.050. - Hours of use.**

Unless otherwise posted, lands and bodies of water regulated under section 4.04.010 shall be open daily from one hour prior to sunrise until one hour after sunset.

**Sec. 4.04.060. - Administrative rules and regulations.**

The director is authorized to propose administrative rules and regulations not inconsistent with and that supplement the provisions of this chapter to the city manager. The city manager is authorized to deny, adopt or modify and adopt such rules and regulations. All persons shall comply with such rules and regulations, which shall take effect upon their adoption by the city manager. The city manager, or the city manager's designee, shall, within two days of adopting any administrative rules or regulations pursuant to this section, send notification to the city council of such action. The city council may rescind or modify administrative rules or regulations adopted by the city manager. Rules and regulations adopted by the city manager, and as may be modified by city council, shall remain in effect for ninety days after their adoption by the city manager, unless sooner rescinded by the city manager or city council.

**Sec. 4.04.070. - Closures.**

The director may from time to time close all or a portion of any land or body of water regulated under section 4.04.010, to the public or to certain animals, or both, as the director determines necessary or desirable due to wildlife, vegetation, management review, contractual agreement or public safety concerns. A closure by the director shall be for a temporary, fixed period of time; except that, a closure may be permanent if consented to by the city council. Within two business days of making a decision to close all or a portion of any land or body of water regulated under section 4.04.010, the director or the director's designee shall send notification of the closure to the city manager and city council. The city manager or city council may rescind or modify the decision of the director. All closures shall be posted at the property or body of water subject to the closure.

**Sec. 4.04.080. - Violation; penalty.**

It shall be unlawful for any person to violate any provision of this chapter, and any person found guilty of violating any provision of this chapter shall be punished for each violation as provided in section 1.28.010.

**Sec. 4.04.090. - Group use.**

Group use reservations are required for use by any group of 25 or more persons of any open space land, whether owned solely or jointly by the city, or any city-owned lands recommended to the city council for designation as open space by resolution of the open space advisory board. Requests must include the group affiliation, date and time of use, trails or areas to be used and other details of the use. If, in the opinion of the city council or the director the activity will cause significant impact to the natural environment or will require significant departmental resources, the city may impose a fee to cover costs expected to be incurred by the parks and recreation department, or deny permission for the activity. Any fee imposed under this section shall be in an amount established by the city manager.

**Section 3.** Chapter 14.08 of the Louisville Municipal Code is hereby amended by the addition of a new section 14.08.090, to read as follows:

**Sec. 14.08.090. - Regulatory sign.**

*Regulatory sign* means a sign authorized by the parks and recreation department containing an image, language or combination of both to indicate or reinforce the regulations of this title, which may include, without limitation, a direction, instruction, order, warning, restriction, regulation, rule, prohibition or any combination of the foregoing.

**Section 4.** Chapter 14.08 of the Louisville Municipal Code is hereby amended by the addition of a new section 14.08.100, to read as follows:

**Sec. 14.08.100. – Smoking instrument.**

*Smoking instrument* means and includes cigarettes, cigars, pipes, bongos, joints, blunts or any other vessel or device containing tobacco or marijuana.

**Section 5.** Chapter 14.12 of the Louisville Municipal Code is hereby repealed and reenacted in its entirety, to read as follows:

Chapter 14.12

**COMPLIANCE WITH REGULATIONS**

Sec. 14.12.010. Compliance required.

Sec. 14.12.020. Exceptions.

Sec. 14.12.030. Enforcement of applicable laws and ordinances.

Sec. 14.12.040. Enforcement of rules.

Sec. 14.12.050. Hours of use.

Sec. 14.12.060. Administrative rules and regulations.

Sec. 14.12.070. Closures.

Sec. 14.12.080. Violation; penalty.

**Sec. 14.12.010. - Compliance required.**

Except where otherwise indicated, this section shall apply to parks, buildings, recreation facilities, city-owned paths or trails, the Louisville Cemetery, and lakes, reservoirs or other bodies of water within the city. In the use of such lands, buildings, facilities, paths, trails or bodies of water it shall be unlawful for any person to:

A. Engage in any business or commercial purpose (such as, by way of example and not limitation, races or events; filming movies or commercials; or

equipment demonstrations). Individuals engaging in still camera photography are exempt;

B. Conduct sales for profit, except by written permit as provided in section 14.12.020 and in full compliance with the sales tax ordinance of the city;

C. Sell, vend, peddle or distribute any merchandise or property whatsoever, or sell tickets for any event whatsoever, or solicit contributions;

D. Distribute, circulate, give away, throw or deposit any handbills, circulars, pamphlets, papers or advertisements, or post or affix any handbills, circulars, pamphlets, papers or advertisements to any tree, fence or structure;

E. Utilize any machine or device for the purpose of amplification of human voice, music or any other sound;

F. Drive, putt, or in any other fashion play or practice golf or use golf balls or golf clubs, except in areas set aside and posted for that purpose;

G. Throw, discharge, take off, land or operate by remote control any motorized or non-motorized aircraft, manned or unmanned, including but not limited to drones, missiles, rockets, airplanes, helicopters, ultralights, gliders/sailplanes, paragliders, powered parachutes and hot-air balloons. Emergency landings, as determined by city law and code enforcement officers, are allowed;

H. Land with a parachute after skydiving, base jumping or other activity involving a parachute. Emergency landings, as determined by city law and code enforcement officers, are allowed;

I. Engage in any of the following activities: hang gliding, paragliding, parapenting, parachuting, parasailing, mountain skateboarding, mountain ski-biking, off-road roller blading, or the use of remote-controlled land, water, or airborne devices;

J. Operate, drive, park or ride upon any vehicle, as defined in the state motor vehicle code [C.R.S. 42-1-102], except upon areas designated for such use. Vehicles in violation of this subsection J shall be subject to being towed away at owner's expense. Only persons with a disability may park in spaces designated for persons with disabilities. An identifying plate or identifying placard obtained pursuant to C.R.S. 42-3-204, shall be displayed at all times while vehicle is parked in such space;

K. Operate, drive, park or ride upon any motorcycle, snowmobile, off-highway vehicle, farm tractor, or any other motorized or non-motorized conveyance or device except when posted specifically for such use. This



subsection K shall not apply to vehicles as defined under the state motor vehicle law (which are subject to subsection J, above) or to bicycles (which are subject to subsection L, below);

L. Operate or ride a bicycle or electrical assisted bicycle, except on officially designated roads, bikepaths and trails and only when those areas are not posted to prohibit such use. Subject to section 14.12.060 of this code, the director may adopt bicycle and electrical assisted bicycle use restrictions on specific trails or open space areas when such restrictions are necessary for resource protection or safety related issues. Such restrictions shall be posted at the trailheads. It shall be unlawful for any person to violate the posted restrictions;

M. Exceptions to the requirements of subsections J, K and L may be granted to persons with disabilities, by permission from the director, for the use of single-rider, motorized and non-motorized vehicles adapted for recreational use by people with disabilities;

N. Wash, repair, or service any automobile or other conveyance;

O. Bring or maintain any dog or other animal upon lands or in buildings, facilities or bodies of water regulated under this section unless such dog or other animal is kept at all times on a leash not to exceed 10 feet in length and is under the physical control of its owner or custodian, except in "dog off-leash" and "dog park" areas, where dogs may be off leash only in accordance with the rules and regulations application to such dog off-leash and dog park areas. Notwithstanding the foregoing, no person shall bring or maintain any dog or other animal upon lands or in buildings, facilities or bodies of water regulated under this section that is known or deemed by city staff to be aggressive or in heat, regardless of whether that dog or other animal is kept on a leash under the physical control of its owner or custodian;

P. To not immediately pick up and properly dispose of any feces in a waste receptacle from any dog or other animal under such person's ownership or care;

Q. Release, abandon, leave or deposit any animal, whether dead or alive;

R. Pasture, graze, maintain, ride or walk any livestock, including but not limited to cattle, sheep, goats, donkey, llamas, alpacas, or horses;

S. Leave any garbage, trash, cans, bottles, papers or other refuse elsewhere than in the receptacles provided therefor. It is unlawful for any person to use the receptacles provided for the purpose of depositing yard clippings or other garbage or trash generated on private property. It is unlawful for any person

to deposit yard waste, soil, or landscaping materials in or upon any lands, buildings, facilities or bodies of water regulated under this section;

T. Encroach into lands regulated under this section with any private improvements, including but not limited to gardens, landscaping, fences, paths or compost piles, or store any personal property on lands regulated under this section;

U. Use, distribute or consume any alcoholic beverages or 3.2 beer in parks or community buildings except in conformance with the statutes of the state and ordinances of the city regarding the sale or consumption of alcoholic beverages. Use, consume or distribute any alcoholic beverage, malt liquor, spirituous liquor, 3.2 beer, or vinous liquor, in any park owned by the R-E-2 school district and leased by the city, during regular school hours;

V. Use or attempt to use or interfere with the use of any table, space or facility which at the time is reserved for any other person or group by a permit from the director. Unless the actual use of the table, space, area, building or facility referred to in any such permit is commenced within one hour after the period covered by such permit begins, such permit shall terminate;

W. Take, seize, feed, pursue, trap, harass, disturb, molest, injure or hunt any animal, fish, wildlife or livestock in any park or building, or portion thereof;

X. Take, seize, harass, disturb, molest, injure, remove, damage or deface any animal habitat;

Y. Dig, remove, destroy, injure, mutilate, collect, deface, mark, write or print upon, pollute, break or cut, or attach any card, sign, display or similar device to, any natural or cultural resource or any portion thereof, including but not limited to trees, grass, soil, and rock, or any man-made feature, including but not limited to buildings, cages, pens, monuments, signs, fences, kiosks, benches, tables, apparatus, or equipment. The building or maintaining of private paths or paths not authorized by the city (including but not limited to paths consisting of rock, flagstone, or mowed or cut grass or plants) is prohibited;

Z. Collect firewood or build, light or maintain a fire, unless such fire is kept within a gas stove or grill with a barrier to protect the ground from grease; except that, all fires are prohibited at the Louisville Sports Complex, excluding the parking lot where gas stoves and grills are permitted. The foregoing notwithstanding, charcoal is prohibited within all lands, buildings, facilities or bodies of water regulated under this section;

AA. Bring onto or use within lands, buildings, facilities or bodies of water regulated under this section any glass or other breakable container;

BB. Discharge or carry any firearms (concealed or otherwise), projectile weapons, or explosives of any kind including but not limited to BB guns, pellet guns, air guns, paint ball guns, blow guns, crossbows, longbows and slingshots; provided, however, that this subsection BB shall not be construed to prohibit the carrying of a concealed handgun if, at the time of carrying the concealed handgun, the person holds a valid written permit to carry a concealed handgun issued pursuant to C.R.S. 18-12-201 et seq., and is otherwise carrying the concealed weapon in accordance with any applicable state or local law. Further, peace officers on official duty are exempt from this subsection BB. It is also an exception to this subsection BB that the discharge of firearms at military funerals or similar occasions within the Louisville Cemetery may be authorized pursuant to section 14.24.150(F) of this code;

CC. Ignite or launch any fireworks, rockets, hobby rockets or similar projectile;

DD. Conduct research projects that require the use of equipment or that impact natural resources. The prohibition in this subsection is not intended to prohibit passive nature studies that do not disturb the land or natural resources contained thereon;

EE. Fail to yield to other trail users in the manner defined herein or as otherwise posted at trailheads. The appropriate order for yielding the trail right-of-way is as follows: Bicyclists yield to pedestrians, and bicyclists headed downhill yield to bicyclists headed uphill. Yielding the right-of-way requires slowing down to a safe speed, establishing communication, being prepared to stop, stopping when necessary to allow safe passage, and passing safely;

FF. Violate any posted regulatory sign;

GG. Engage in geocaching unless authorized by a written permit issued by the director, except that geocaching is never authorized in the Louisville Cemetery. For purposes of this subsection, "Geocaching" means a recreational activity requiring participants to search for hidden items using global positioning system coordinates retrieved from an internet website or other source;

HH. Leave any items of personal property unattended in excess of twenty-four hours. Items of personal property left unattended in excess of twenty-four hours shall be deemed abandoned, and may be disposed of by the city in accordance with applicable law;

II. Swim, dive, wade, ice skate or ice fish on any lake, pond, stream, reservoir or other body of water;

JJ. Boat on any lake, pond, stream, reservoir or other body of water;

KK. Knowingly obstruct, impair, or hinder the performance of the official duties of any employee of the city. Without limiting the generality of the foregoing, no person shall:

1. Fail to comply with a lawful request of a city employee;
2. Attempt to elude or evade a city employee who has made a request or given an order in accordance with this section;
3. Harass a city employee; or
4. Provide false or misleading information with the intent to mislead the city employee in the performance of the employee's duties;

LL. Smoke or carry any lighted smoking instrument, except that tobacco may be smoked in open air areas of the Coal Creek Golf Course in accordance with chapter 8.56 of this code;

MM. Enter or remain in a park or greenbelt area outside of the hours of use set forth in 14.12.050. There is no camping allowed on any land regulated under this section. Automobiles and other conveyances may not be parked, abandoned, or otherwise remain in city parking lots, including without limitation the parking lots of the Louisville Sports Complex, during closed hours, except as follows:

1. During attendance at a function conducted or sponsored by of the city;
2. During attendance at a function which has been issued a permit;
3. By a city employee acting in the performance of such employee's duties;
4. With the prior written consent of the director; or
5. In areas as otherwise posted.

Vehicles in violation of this subsection shall be subject to being towed away at owner's expense;

NN. Enter or remain within lands that are closed in accordance with section 14.12.070;

OO. Bring or allow an animal under such person's control to enter or remain within lands that are closed to such animal in accordance with section 14.12.070;

PP. Make loud, disruptive or unusual noises, which disturb or tend to disturb the peace and quiet of other persons; or

QQ. Engage in any careless or reckless behavior or activity that constitutes a hazard to a person's own safety or to the safety or security of other persons or property.

**Sec. 14.12.020. – Exceptions.**

A. City employees, firefighters or law enforcement officers acting in the performance of their duties are exempt from the prohibitions in section 14.12.010.

B. The director may, in the director's sole discretion, grant exceptions by written permit to the specific prohibitions in subsections A, B, C, D, AA and CC of section 14.012.010. An exception permit granted by the director shall be valid for a period of no more than two weeks. The permit shall name the person or group receiving the exception, shall detail the specific prohibition(s) from which the person or group is excepted, shall state the date of issuance and date of expiration, and shall state any terms and conditions relating to such exception permit. Any person who has obtained an un-expired written permit shall not be in violation of the prohibition(s) from which the person was excepted.

**Sec. 14.12.030. - Enforcement of applicable laws and ordinances.**

All persons entering lands, buildings, facilities, or bodies of water regulated under section 14.12.010, shall abide by the rules and regulations of the city, as provided in this chapter and elsewhere in this code, the rules and regulations promulgated by the director, and the instructions and directions of duly authorized agents, employees or law enforcement officers of the city acting in their official capacity.

**Sec. 14.12.040. - Enforcement of rules.**

The director, ranger naturalist and any law enforcement officers acting in the line of duty shall diligently enforce the provisions of this title and shall have the authority to eject from any land, building, facility or body of water regulated under section 14.12.010 any person acting in violation of these rules and regulations. Further, the director shall have the authority to deny use of lands, buildings, facilities or bodies of water regulated under section 14.12.010 to individuals or groups who refuse to comply with the provisions of this chapter and regulations promulgated hereunder.

**Sec. 14.12.050. - Hours of use.**

The parks and greenbelt areas within the city shall be open daily from 6:00 a.m. until 10:00 p.m., unless a special permit is obtained from the parks and recreation department to extend these hours.

**Sec. 14.12.060. - Administrative rules and regulations.**

The director is authorized to propose administrative rules and regulations not inconsistent with and that supplement the provisions of this chapter to the city manager. The city manager is authorized to deny, adopt or modify and adopt such rules and regulations. All persons shall comply with such rules and regulations, which shall take effect upon their adoption by the city manager. The city manager, or the city manager's designee, shall, within two days of adopting any administrative rules or regulations pursuant to this section, send notification to the city council of such action. The city council may rescind or modify administrative rules or regulations adopted by the city manager. Rules and regulations adopted by the city manager, and as may be modified by city council, shall remain in effect for ninety days after their adoption by the city manager, unless sooner rescinded by the city manager or city council.

**Sec. 14.12.070. - Closures.**

The director may from time to time close all or a portion of any land, building, facility or body of water regulated under section 14.12.010, to the public or to certain animals, or both, as the director determines necessary or desirable due to wildlife, vegetation, management review, contractual agreement or public safety concerns. A closure by the director shall be for a temporary, fixed period of time; except that, a closure may be permanent if consented to by the city council. Within two business days of making a decision to close all or a portion of any land, building, facility or body of water regulated under section 14.12.010, the director or the director's designee shall send notification of the closure to the city manager and city council. The city manager or city council may rescind or modify the decision of the director. All closures shall be posted at the land, building, facility or body of water subject to the closure.

**Sec. 14.12.080. - Violation; penalty.**

It shall be unlawful for any person to violate any provision of this chapter, and any person found guilty of violating any provision of this chapter shall be punished for each violation as provided in section 1.28.010.

**Section 6.** If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City

Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

**Section 7.** The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

**Section 8.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED PUBLISHED** this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Robert P. Muckle, Mayor

ATTEST:

\_\_\_\_\_  
Meredyth Muth, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Light | Kelly, P.C., City Attorney

**PASSED AND ADOPTED ON SECOND AND FINAL READING,** this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Robert P. Muckle, Mayor

ATTEST:

Meredyth Muth, City Clerk



Neighboring Agency Smoking Regulations					
	Agency	Rangers	Smoking	Ordinance	Ordinance/Rules & Regulations Verbiage
1	Adams County	No	Not Prohibited	NA	NA
2	Arvada	Yes	Prohibited	Sec. 70-149	Smoking is prohibited in all city facilities, vehicles, and on all designated city property
3	Boulder	Yes	Prohibited	BRC 6-4-3.5	No person shall smoke in a public area including on any park, parkland or facility
4	Broomfield	No	Not Prohibited**	NA	NA
5	Colo Spgs	Yes	Prohibited	Ordinance No. 6-6-202	The smoking of any cigarette, pipe, cigar or electronic smoking device is prohibited on park property unless a designated area is provided. No. 6-6-202
6	Commerce City	No	Prohibited (exception of Golf Course and Parking Lots)	Sec. 7-1014	General prohibition. Except as provided in paragraph (b), it is unlawful for any person to smoke in or on park property. (b) Exempt areas. The following areas shall be exempt from the prohibition contained in paragraph (a) of this section unless specifically posted otherwise at the site: (1) The Buffalo Run Golf Course; and (2) Any areas of park property that are designed and intended for the parking of automobiles.
7	Denver	Yes	Prohibited	RMC: Sec.39-10 e.	It shall be unlawful for any person to smoke tobacco within any facility in a park, parkway, mountain park or other recreational facility at which smoking would be in violation of article IX of chapter 24 of the Denver Revised Municipal Code.
8	Engelwood	No	Not Prohibited; Policy change to prohibit to be enacted by end of year **	NA	NA
9	Fort Collins	Yes	Prohibited	Sec. 12-58.5	Smoking shall be prohibited on all City-owned property. Unless otherwise prohibited by City Code, this section shall not apply to persons lawfully smoking entirely within an enclosed privately owned motor vehicle.
10	Golden	Yes	Prohibited	Ordinance No. 2046 8.30.030 o.	Smoking, vaping and the use of electronic smoking devices is not permitted in any parks or recreation facilities. The use of marijuana is also prohibited in public spaces.
11	Greenwood Village	No	Prohibited	Ordinance 01-16	Ordinance 01-16 bans the use of vaping devices in all areas where smoking is currently prohibited, and expands the prohibition of smoking in public buildings to include public parks, open space and trails, public transit waiting areas, and outdoor entertainment venues and amphitheaters.
12	Highlands Ranch	Yes	Not Prohibited	CRS 18-9-117 DCR R-999-177	NA
13	Lafayette	No	Not Prohibited*	NA	NA
14	Lakewood	Yes	Prohibited	Park Rules and Regulations	In consideration of other park users and in compliance with City of Lakewood regulations, please observe the following requirements when visiting neighborhood and urban parks...Smoking or Vaping is prohibited.

15	Longmont	No	Prohibited	9.40.030	Smoking is prohibited in the following areas:  A. Any public place, or place of employment that is not exempted from this chapter, or in the entryway of any such public place or place of employment.
16	Westminster	No	Not prohibited*	NA	NA

**Footnotes**

\*Could not find any language prohibiting smoking in City Municipal Code or Parks Regulations

\*\*Information was not found online and was verified with City staff

**SUBJECT: DISCUSSION/DIRECTION – CONSIDERATION OF CHANGES IN LIQUOR REGULATIONS AND OPTIONS IN PARKS**

**DATE: SEPTEMBER 27, 2018**

**PRESENTED BY: MEREDYTH MUTH, CITY CLERK**

**SUMMARY:**

The City's current rules prohibit the consumption of alcohol in the parks. The only exception to that rule is an event with a liquor license such as Razzle Dazzle or Pints in the Park. In the last legislative session, the legislature amended liquor rules to now include the following beginning January 1, 2019:

C.R.S. 44-3-901(i)(I)(D)(VII) . . It is not unlawful for a person who is at least twenty-one years of age to consume any fermented malt beverage or malt, vinous, or spirituous liquor in any public place, other than a public right of way, where consumption of the fermented malt beverage or malt, vinous, or spirituous liquor has been specifically authorized by ordinance, resolution, or rule adopted by a municipality. . .

Staff would like to know if the Legal Committee would like to consider changes to the park rules to allow more leniency for alcohol consumption.

Previously the Louisville Municipal Code allowed for up to five hours of alcohol use in a park as a part of a park rental (exclusive use permit) and with the permission of the Parks & Recreation Director. This was solely for use by private individuals and did not include sales.

The Parks Board had a brief discussion about this option earlier in the year. They did not take a position but did feel the City Council should consider this. The Police Department does not support allowing liquor in the parks and feels it will be difficult from an enforcement stand point.

*Options:*

1. Keep existing rules banning the use of alcohol in the parks;
2. Amend the Code to allow alcohol use in the parks with conditions. A permit could be required, limits could be placed on time, place, types of liquor, etc.
3. Allow consumption of alcohol in parks.

**SUBJECT: PARKS RULES RELATED TO ALCOHOL**

**DATE: SEPTEMBER 27, 2018**

**PAGE 2 OF 2**

None of these changes affect the sales of alcohol which is governed by specific State and local regulations.

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

Discussion

**ATTACHMENT(S):**

1. None.